



## **API 8.13 Design Excellence Program**

### **Design Review Processes Discussion Paper**

July 2019

API 8.13: Extend City of Melbourne's commitment to high quality urban design through advocacy, internal design review and investigation of design competitions on significant sites.

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## Executive Summary

An integral process within a Design Excellence Program (API 8.13) is design review. Design review is a process of critical review by design experts to elevate the design quality of projects before and during the planning approval process.

This paper investigates current design review processes at the City of Melbourne in the context of best practice examples and established design review processes, such as the Victorian Design Review Panel (VDRP) within the Office of the Victorian Government Architect (OVGA). It also explores the potential to establish a City of Melbourne Design Review Panel including key principles for its future operation. The purpose of this report is to:

- Investigate the potential to implement new design review processes within the City of Melbourne as part of a broader Design Excellence Program.
- To explore whether a Design Review Panel is a valuable pursuit for City of Melbourne that will contribute to elevating the quality of development.
- Evaluate whether a Design Review Panel offers a good return on investment, having regard to resource implications.

Through our research, including desktop review, benchmarking studies and stakeholder engagement, we have identified best practice examples and ideas to improve design review processes across all project scales. We synthesized several of the key issues and best practice standards into criteria that will help evaluate options to establish a City of Melbourne Independent Design Review Panel.

The research shows that Independent Design Review Panels are one of a range of tools to deliver independent, impartial advice on design. A City of Melbourne Design Review Panel could influence a number of projects, and would be one of a number of tools drawn from the Design Excellence Program to raise the quality of design across multiple project scales and types.

Design review is a key part of the development application process. The research reveals that design review processes have the most impact when they have an embedded role in the respective planning and policy contexts. With respect to the operation of a design review panel, the most effective outcomes result when there are clear terms of reference and integration with the development assessment process. It is through this integration that design advice is able to achieve the greatest leverage and influence, and provide clarity and certainty for applicants on the matters being considered.

This discussion paper finds that there is a need for multiple tiers of design review to have the greatest impact both on the quality of private development and fostering a strong design culture within the City of Melbourne. The key recommendations are:

- **Day-to-Day Design review**  
Continue to provide design advice service in-house as part of planning application process, prioritising early engagement where possible.
- **Independent Design Review Panel (City of Melbourne)**  
Establish an independent Design Review Panel that is integrated with the planning process to review projects of *local significance* (Council as Responsible Authority)
- **Victorian Design Review Panel (OVGA)**  
Continue to work with the OVGA to ensure tailored integrated advice for projects of *State significance*.

Resource and Governance

A key component to an effective, efficient Independent Design Review Panel is the dedication of internal resources to administer and document the panel recommendations. In addition, there will be costs involved for the payment of sessional expert panel members. This cannot be accommodated within the current structure and resourcing of the Urban Strategy Branch and requires further consideration of the resource, cost and governance implications.

## What is the Value of Design Review?

Evaluating the design of buildings, infrastructure, landscapes and public spaces is an important part of the design process.

Design review is an essential component of a performance-based planning framework. The Victorian Planning Scheme is not codified and contains complex discretionary provisions. Flexible controls need to be applied with rigour and consistency to determine where standards could be appropriately varied or should be enforced. Specialist design review can assist in negotiating this framework to ensure the best fit for a project in response to its specific context.

Design review is a critical part of the development approval process and elevates the quality of design by:

- Providing specialist review of complex development proposals through a multi-disciplinary lens.
- Assisting planners in the development assessment process to determine if a project has met the required standard or performance measure.

### The value of Independent Design Review Panels

The Commission for Architecture and the Built Environment (CABE), and later the Design Council in the UK have been champions for the value of design review in the development process. Within Australia, there are several established design review panels, at Local and State Government levels, which are directly descended from the CABE model.

An analysis of these existing design review panels and processes reveals they feature the following benefits:

- Provides a **depth of experience** and **breadth of knowledge** from independent experts.
- **Challenges and improves** the design brief.
- **Maximises influence** – inadequate schemes or major red flags can be identified at an early stage, when major changes can be made with minor effort and cost.
- **Provides confidence and certainty** to architects and the design team, developers, and planners that they have the best independent expert advice.
- **Minimises time delays** for planning applications by identifying and resolving complex issues early in the design phase.
- **Supports good design and innovation.** Positive schemes can be identified and used as a benchmark of design excellence.
- Communicates to the community and industry that design is important and helps to foster a **culture of design excellence.**
- **Continued learning** for everyone involved in the process.

## Design Review at the City of Melbourne

The City of Melbourne currently provides design review across a range of project scales, primarily concerning private developments, as part of the development approval process. Other design review includes projects by other public agencies where the City of Melbourne is a partner or key stakeholder.

Design review often begins at the pre-application stage and can involve a number of reviews over the life of the development approval, particularly for major applications. The design review process is iterative and collaborative. City of Melbourne planners and urban designers typically works with the project team to achieve the best outcome.

In evaluating the design quality of proposals, two key mechanisms are currently at play:

- Assessment against relevant planning policy and regulations. These set the basic standards required and are both compliance-focused and include judgements about discretionary / qualitative aspects of proposals; and
- Provision of advice and input based on judgements regarding non-regulatory / qualitative aspects of proposals, in the context of policy, stated values or generally agreed objectives. This can occur at both the project's inception and during the formal assessment process, and assists with preliminary negotiations and achieving high quality built form outcomes for the city.

While assessment for compliance, undertaken by development planners, is critical and provides clarity as to minimum requirements, it offers limited guidance on the qualitative aspects of proposals. The latter – whether as a component of development assessments or as advice/commentary – are critical, but are more susceptible to perceptions (and the reality) of inconsistency. Despite advice being provided by subject matter experts, advice on these more judgement-based aspects of proposals is prone to being regarded as 'subjective', and therefore more open to dispute or challenge. At the same time, it is typically more aspirational and is the most effective mechanism for advancing the quality of proposals and achieving enduring positive outcomes for the city.

Design review plays an important role in proposals of all types and scales. Typically design review processes are proportionate to the scale and complexity of the proposal. Existing thresholds, based on floor area, are established to determine the Responsible Authority for development applications. Where the floor area exceeds 25,000 sqm, the Minister for Planning is the Responsible Authority. The City of Melbourne is the Responsible Authority for planning applications under 25,000 sqm of floor area. The existing methods of design review at the City of Melbourne are categorised below:

### *Design Review Workshop (Internal)*

**Scale:** Small scale planning application (generally 1-3 storeys).

**Example:** Signage application, infill heritage dwelling, townhouse development.

**Decision/governance:** Delegated authority: City of Melbourne (unless threshold objections met).

The Urban Design and Design Review (UDDR) Team along with Development Planning have weekly 'Design Review Workshop' sessions for review of small-scale planning applications. It involves a one hour meeting with Development Planning, and 1-2 urban design officers to offer verbal design review of planning applications. This addresses the high volume of comparatively small applications, and ensures a structured, consistent complement to formal requests for written urban design advice from the UDDR Team.

### *Formal Design review referrals from Development Planning (multiple areas within the City of Melbourne)*

**Scale:** All scales, under 25,000 sqm, generally 4 storeys or above.

**Example:** office development, apartment development.

**Approval:** Delegated authority: City of Melbourne (unless threshold objections met or policy provisions exceeded).

The UDDR team provides written urban design advice to these referrals. On average the UDDR team provides approximately 123 formal design reviews per year. In 2017-18, 147 urban design reviews were undertaken. Undertaking a formal design review consumes a considerable amount of resources and time and is not factored into the cost of a planning application. The average time spent for an urban designer to review a typical application is approximately 20 hours. With approximately 123 reviews per year, this equates to approximately 2460 hours of staff time per annum (this excludes time spent by other areas of Council).

A typical planning application of this scale follows the process described below:

- A pre-application meeting is requested by the applicant to the Development Planning Team.
- Ideally plans are submitted by the applicant prior to the meeting. The development planner can then determine which referral areas are required to attend the pre-application meeting.
- Once a planning application is formally lodged, the development planner will refer it to the relevant referral area/s (subject matter experts).
- Referral comments are sought by email or Service Request (SR), by the responsible development planner and are often completed concurrently, and in isolation by urban design professionals, along with other technical specialists such as open space planners, traffic and sustainability.
- Comments are provided to the planner as written 'Urban Design Advice' organised around critical aspects such as response to context, massing and public interfaces or for small applications advice may also take the form of emailed notes.
- The advice and recommendations are usually forwarded to the applicant and a meeting between the applicant, development planner and urban designer occurs to discuss the referral advice.
- This can involve several subsequent rounds of design review and meetings until the outstanding issues are resolved and the Council, as the Responsible Authority is satisfied.
- The development planner will generally include a summary of all referral comments in their Delegate Report to either grant or refuse a permit. The Delegate Report is attached to the Future Melbourne Committee report and becomes publically available.

Since the drafting of the Central Melbourne Design Guide, the UDDR team use the guidelines as a basis for providing design advice in the Central City and Southbank. This reference ensures greater consistency across design reviews. As the Guide also includes design objectives and principles embedded in the Planning Scheme, advice is consequently strengthened with a 'statutory weight'.

City Lab is currently undertaking an Organisational Plan Initiative (OPI) entitled 'Reimagine City of Melbourne's Statutory Planning Service' on behalf of the Development Planning Team. This project aims to recommend procedural improvements to enhance the user experience of the planning process for applicants, submitters, the general public and CoM employees. The project will have implications for design referrals as a key component of the development assessment process. The preliminary findings focus on greater emphasis on pre-application workshop processes and the importance of ensuring certainty from the outset alongside the need to address administrative burdens associated with existing operating software. These changes are likely to involve more UDDR resources at the early stage of planning application, but may streamline advice and reduce timeframes later on.

#### *State Significant Development Application - Ministerial Referrals (City of Melbourne and DELWP)*

Ministerial referrals are initiated when proposals meet the threshold of above 25,000 sqm of GFA. These proposals are considered to be of State significance and the Minister for Planning becomes the Responsible Authority. The Department of Environment Land Water and Planning (DELWP) refers the application to City of Melbourne as one of its prescribed referral authorities listed under the *Planning and Environment Act 1987*. The City of Melbourne Development Approvals team then refers the application to the relevant internal areas for comment, such as urban design.

Of the 147 design reviews undertaken over the 2018- 2019 financial year, 35 (23 per cent) were ministerial referrals. City of Melbourne works with DELWP over the life of these applications and provides advice from a range of technical specialist areas. Continuing to build strong relationships and processes with the State Government (DELWP and OVGA) is crucial to effective design review.

Applications that are deemed state significant or are located on strategically important sites can be discretionally referred to the Victorian Design Review Panel (VDRP) for independent, expert review.

A typical planning application/ referral process between DELWP and City of Melbourne involves:

- A joint weekly pre-application meeting between DELWP and City of Melbourne, applicants and the design team. Projects that would benefit from going to the VDRP are usually identified during the pre-application process and referred to the OVGA by DELWP.
- Opportunity for City of Melbourne to contribute to the RFI letter.
- Several rounds of review and meetings in conjunction with DELWP and the applicant/project team.
- A planning report, prepared by the City of Melbourne development planner to DELWP consolidating all referral advice and a Delegate Report with a recommendation to support or refuse a planning application.
- Contribution to the formulation of conditions to be included on a permit and follow-up comments to determine if conditions are met.
- For most major planning applications Council's recommendation is presented at FMC to be endorsed by Council.

*Major Projects Design Review (City of Melbourne via Future Melbourne Committee and DELWP)*

**Scale:** Major projects (usually referred by DELWP)

**Example:** Application for a new commercial tower with over 25,000 sqm GFA.

**Approval:** Future Melbourne Committee provides a recommendation to the Minister for Planning either as an 'interested party' or 'recommending referral authority' depending on the geographic context.

An existing City of Melbourne Major Projects meeting typically occurs once a week across different referral areas. It aims to provide a 'One City of Melbourne' view on projects at an early or critical stage. This was established to provide more coordinated, consistent design advice across Council, which is then compiled by a single development planner to form a consolidated report. Major Projects meeting provides an appropriate forum to discuss complex projects, and identify any contentious issue or major 'red flags' at an early stage. It is generally at the discretion of the development planner to initiate major projects to be reviewed during the session.

There is an opportunity to use this existing forum to identify projects that would benefit from a review by an external, independent panel. This could be used for projects of state significance to be reviewed at the VDRP and for projects of local significance that could be reviewed by a City of Melbourne independent Design Review Panel.

### Design Review Statistics

City of Melbourne record all planning applications received each year. For the 2018-19 financial year, there were 649 development only applications and 58 use and development applications lodged. Of the 707 applications received, a total of 147 (21 per cent) received urban design review.

Planning applications where the Minister is the Responsible Authority formed 35 (or 23 per cent) of the total design referrals received by the City of Melbourne during this period. Of the 35, 10-12 projects were reviewed by the VDRP. The VDRP reviews approximately 60 projects across Victoria per year.

Despite some level of design review being undertaken for most major applications, there is a significant shortfall with 135 proposals not benefitting from independent expert review.

## Discussion

The City of Melbourne provides cross-disciplinary, in-house design review and advice to improve public realm and building outcomes. Beneficial aspects of the current approach to design review within City of Melbourne are:

- The type of design review is tailored to the scale of project.
- Opportunity to review a proposal through a cross-disciplinary lens (urban design, landscape, traffic engineering and architecture) to enrich the design quality.
- Development planner is the central repository of all referral comments and consolidates these into a delegate report to support a decision.

However the increasing volume of large scale applications means that there are a growing number of state and locally significant proposals which aren't benefitting from independent design review. The statistics on design review reveal that City of Melbourne is the Responsible Authority for a large quantity of planning applications. Although City of Melbourne already undertakes design review for these projects, independent review by a panel of experts would provide specialist and technical skills to complement the skills of City of Melbourne designers to achieve design excellence.

A multi-tiered approach is required to improve design review across all scales. Improvements to internal day-to-day review have been incremental and are ongoing. Over the last three years we have seen a marked improvement to developments coming through the system. The Central Melbourne Design Guide had assisted the UDDR Team in framing design advice and negotiating better design outcomes. A clear link between local design policy and objectives helps to formulate design and could frame discussions for a City of Melbourne Independent Design Review Panel. Negotiating better design outcomes is easier if design review can be linked to a decision making framework, such as the planning scheme. This is currently missing from the way advice is handed down from the VDRP for decision-makers to use.

A City of Melbourne Independent Design Review Panel would not replace or duplicate the role of the VDRP, but provide a platform for projects of local significance to be independently reviewed. An Independent Design Review Panel offers additional value by involving tailored selection of independent design professionals to evaluate and lift the quality of a project. In any design review process, early intervention provides an opportunity to increase the value and quality of a design proposal.

## Recommendations

- Prioritise early engagement with design review where possible.
- Work closely with City Lab to ensure a strong alignment between the current 'Reimagine City of Melbourne's Statutory Planning Service' and interventions into the design review process.
- Develop a threshold table, with additional categories, to identify an appropriate design review process that reflects the scale and type of project to be reviewed. Work with DELWP and OVGA to establish a trigger to initiate a design review process for specific sites, locations, and types.
- Undertake further research to understand the cost and resource implications of a City of Melbourne Independent Design Review Panel.
- Undertake further stakeholder engagement with DELWP and OVGA.
- Pilot a City of Melbourne Independent Design Review Panel, where expert design advice is provided for projects of local significance where City of Melbourne is the Responsible Authority.
- Establish clear thresholds and processes to determine how projects of local significance are referred to a panel. Thresholds such as project type, i.e. heritage, or student accommodation, could be



established to trigger which projects should be referred to a City of Melbourne Independent Design Review Panel.

- Use the weekly Major Projects meeting as a 'triage' to resolve major issues; if these cannot be resolved then an independent review of the project should be referred to the above mentioned panel. The scale, location, and context of the project will determine an appropriate design review process (i.e. VDRP or City of Melbourne Independent Design Review Panel).

## Benchmarking Design Review Panels

There are several established design review panels across Australia and internationally that provide a relevant benchmark for consideration. We identified successful components of the design review panels at a local, State, and International level to understand how a design review panel could be implemented at the City of Melbourne.

We included the OVGA operation of the VDRP as a comparison across States, but also to highlight any gaps that could be improved in existing design review processes and the relationship between City of Melbourne and the State Government.

The Design Review Panels we investigated were:

- Office of the Victorian Government Architect (OVGA), Victorian Design Review Panel (VDRP)
- City of Auckland, Auckland Urban Design Panel (AUDP)
- Office for Design and Architecture South Australia (ODASA)
- Office of the Government Architect Western Australia (OGAWA), State Design Review Panel (SDRP)
- Office of the Government Architect New South Wales (GANSW), State Design Review Panel (SDRP)
- City of Sydney's (Cos) Design Advisory Panel (DAP).

Our framework for comparing these various panels was based on the following key questions:

- What is the scope of the design review panel?
- What triggers a design review panel to take place?
- What is the composition of the panel?
- What are the resource and cost implications?
- How is the discussion framed?
- How is the advice used in decision making?

### Scope of the Panel

The OVGA is nested within the Department of Premier and Cabinet. The VDRP is an advisory service run by the OVGA and reviews projects that are significant because of their site, context or complexity, or because they establish a precedent for new development in that place. The OVGA provide review to a range of public and private projects including capital works projects, and broader planning initiatives, including urban renewal areas such as Fisherman's Bend and major public infrastructure projects. The VDRP generally review projects of state significance.

AUDP reviews both public and private projects and has separate panels and Terms of Reference to distinguish between private development applications and public projects. An internal panel was established to review significant public realm projects being led by Auckland City Council.

In South Australia, the ODASA design review panel provides independent evaluation of both private and public projects of significance to South Australia.

In Western Australia the SDRP review public projects for significant or strategic public works, infrastructure projects and other major development proposals. Private projects are referred to the panel for consideration by statutory decision makers.

The GANSW recently piloted a SDRP for both public and private projects that are of State significance.

CoS established the DAP in 2007 to provide independent advice on significant urban design, architecture and landscape architecture projects intended to be undertaken by the City and the public sector. The DAP is closely linked to the development approval process, however the scope of the panel also extends to CoS public realm projects, the procurement of design services, and the development of the CoS planning policies including Local Environmental Plans (LEP) and Development Control Plans (DCP).

### What triggers a Design Review Panel to take place?

Review taken at the pre-application stage is consistently seen as the most effective timing for Design Review Panel input as major design changes can be made easily with minor time and cost implications to the project.

In Victoria, applications for a review by the VDRP is made directly to the OVGA by the project proponent or applicant, however many of the projects are referred by government departments or local authorities during the pre-application or planning application processes. OVGA prioritise reviews based on the ability to improve outcomes. Priorities are made based on significance (public benefit, government investment and, cultural or environmental significance) and influence (project aspiration process stage/ability to change direction). The suitability of projects is at the OVGA's discretion.

In Auckland, a review is triggered by the Council officer in consultation with the AUDP chair. There is no legislation that determines if a design review panel should take place. A key decision to undertake a review is whether the design process would benefit and added value could be added to the project. Triggers typically include; transformational projects, major infrastructure projects, masterplans for any new development, development that infringe planning controls, such as the Unitary Plan.

In SA, a design review panel is triggered by projects that meet a certain threshold in terms of cost, size and importance. For example, projects with a value of over \$10 million or more can trigger a review by the Panel. Projects at the discretion of the State Coordinator General can also be called in if there are above \$5 million for certain project types, such as purpose-built student accommodation, and commercial and retail uses that exceed the thresholds.

In WA, any major project can be referred to the SDRP, but it is at the discretion of the Government Architect to determine which projects are reviewed. This is based around several factors, such as location (i.e sensitive, environmental, heritage), prominence (project is situated on a prominent site with high levels of visibility or political sensitivity), complexity (complex challenges to overcome that require a sophisticated design response), and if the project establishes a precedent for a type of development with an area.

In NSW, development of a certain size, economic value or potential impacts that a development may have are referred to as State Significant Development (SSD) or State Significant Infrastructure (SSI), these are identified in Schedule 2 to the State Environmental Planning Policy (SEPP). This lists specific sites, locations, and project types with an associated pathway for design excellence (both design review and design competitions). A design review panel may be triggered if a project meets any of the below criteria:

- Any project referred to the Government Architect by the Minister of Planning or their delegate.
- All projects subject to the Secretary's Environmental Assessment Requirements (SEARs).
- All projects on Government-owned land that anticipates public use or impact the public domain.

Independent design review panels operated by local governments are common in NSW. The CoS identifies both design review panels and design competitions as processes to meet its design excellence requirements. The **CoS DAP** has been in operation since 2007 and identifies project types and thresholds within the Terms of Reference.

### What is the composition of the panel?

All the panels draw from a pool of independent experts ranging from nine (DAP) to 62 (OVGA) members. Panel members are selected to review certain projects based on their experience and specialist design skills.

A mix of backgrounds and disciplines are selected for each project to provide a breadth of knowledge and depth of experience.

Design Review Panels established at the state level have a similar structure. They are all chaired by the State Government Architect and draw from a pool of experts engaged on a 2-3 year contract. Each panel session draws 3-5 members from the pool of experts, selected at the discretion of the Government Architect. The panels generally sit once a month with 3-4 projects reviewed over the course of a day. The AUDP meet with a higher frequency and review 1-2 projects in each sitting. WASDRP meet fortnightly and review several projects over a sitting.

GANSW State SDRP includes up to 5 panel members with 1 member nominated by a local authority as their representative. The DAP have a smaller pool of experts with a minimum of 3 and no more than 9 permanent members. An independent panel chair and deputy chair is appointed.

### Panel Operation, Resources and Costs

Many of the Design review panels operate in a similar way during the panel session with the Panel Chair briefing the panel, followed by a presentation by applicant, and discussion by the panel. However some pre and post panel review steps vary.

The VDRP is funded by the Victorian Government. The design review function in each state generally sits under the Government Architect and is funded by the respective state government with dedicated resources to administer the panel. All panel members are paid for their preparation time and sitting fees. NSW GA panel member fees are \$1000 for half day and \$ 1800 for a full day, this excludes travel time and preparation costs. The VDRP members are paid approximately \$ 1500 per day (inclusive of sitting and preparation time).

The VDRP is operated by a dedicated team of three built environment professionals who undertake important preparatory work ahead of each panel session. This work is critical to ensure panel members' time is used effectively and the session runs efficient and focussed. This involves assessing each application for review, meeting key stakeholders, undertaking site visits, preparing written briefings on each project, answering panel member questions prior the session, coordinating panel sessions and briefing the panel chair and members prior to the review. Following the review, the team prepares the written advice, signed by the chair.

The Auckland design review process is closely linked to the development approval process. The statutory planner and urban designer are closely involved in each step, such as briefing the panel, reviewing documentation, providing a summary of key issues. Auckland City Council has a fully resourced team to undertake design review, which is supplemented by Council urban designers and planners. Auckland Council funds the operation of the panel, including the payment of the Panellist fees, and provides administrative support. Council urban designers and planners charge their time to the applicant for the preparation of cover sheets, panel meeting attendance, and post panel follow up discussions with the applicant. Once a planning application has been lodged, the cost of any post-lodgement panel sessions is charged directly to the applicant.

The ODASA model places an emphasis on the pre-application stage and up to three design reviews can occur prior to a planning application being lodged. Pre-lodgement advice can replace the need for internal referrals to urban designers once a planning application is received.

In NSW the SDRP and DAP are free to applicants. However planning application fees are much higher in NSW and time frames for assessment longer than the Victorian statutory timeframes. For some sites it may be mandatory to go through a design review panel as an alternative to a design competition to achieve 'design excellence'. The CoS have an established Design Excellence team, responsible for running competitive design processes and the operation of the DAP. This includes payment of four full time positions a year to operate the competitive design process. The external DAP panel members must also be paid a separate sitting fee above this.

## How is the Design Review discussion framed?

Design advice and recommendations should be delivered in a format that the decision maker can easily consider and ideally framed around policy or a consistent set of agreed criteria or guidelines.

The VDRP discussion is informed but not guided by the Victorian planning framework. For many projects it reviews, the planning scheme does not apply. Briefing materials prepared for each panel include key local and state policies and plans which are relevant for consideration by the panel members. Key stakeholders such as DELWP and City of Melbourne can raise key questions for the panel members to address in their review; including an assessment against the appropriate planning policy. The focus of the panel discussion is informed by the pre-briefings and guided by the chair but is intended to be an open, peer review of design quality.

Auckland City Council adopts consistent criteria to assess all applications. These criteria are drawn from the Auckland Plan, local plans and policies, Te Aranga Maori Design Principles, specific urban design frameworks for local places, and best practice urban design principles. The panels considers, land use (through the assessment of activities or mix of activities), sustainability, universal access, building form and mass, building layout, articulation of the facade, materials, landscaping, ground floor layout and relationship to the public realm, green infrastructure and internal and external amenity impacts for residential developments.

ODASA The design review panel is framed by the 'Principles of Good Design'. The high level principles such as 'context', 'durability', 'inclusivity', 'performance' amongst others inform the evaluation of proposals during the review session.

WA SDRP The design principles outlined in State Planning Policy 7 - Design of the Built Environment form the basis of the panel's advice. The design review process makes an assessment on how well the proposal meets the good design principles outlined in the policy.

The NSW SDRP was established to deliver the principles and design objectives of 'Better Placed' and to provide a consistent, state-wide approach to reviewing the design quality of State significant projects. The Panel evaluates projects against the Objectives for Good Design as defined by 'Better Placed'. A residential proposal must also be assessed against the design quality principles identified in SEPP 65 (State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development). In the case of any proposal that is subject to the Education SEPP, the design quality principles identified in the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 will form the basis of design quality evaluation in addition to the objectives outlined in 'Better Placed' and the 'Design Guide for Schools.' The panel will also consider any relevant local, state or national plans, policies and guidelines such as LEP, DCP, urban design strategies. The relevant documents are specified by the GANSW when briefing Panel.

The terms of reference of the DAP outline the Advisory Panel must have regard to the City's adopted policies, such as Sustainable Sydney 2030, LEP and DCP (amongst others).

## How is the Advice Used?

The role of the panellists across all those reviewed is to provide advice. The advice is typically delivered in a way that supports an improved design – it is not a workshop or an opportunity to re-designing work presented. The panellists do not have a decision-making function. Decision-makers are to give 'due regard' to the advice and recommendations in their assessment of development applications. The panels are established to provide independent advice to project proponents and planning authorities and not take on the role of the decision maker.

After a VDRP, the panel discussion is summarised into a letter of advice, issued within 10 working days of the panel taking place. All parties in attendance receive a copy of the advice.

The majority of state design review panels (SA, WA, and NSW) and recommendations are drawn from how the proposal meets the relevant objectives and policies. However, NSW is the only jurisdiction that embeds design

quality into planning decision through the *Environmental Planning and Assessment Act*, which includes an objective on design quality and amenity.

ODASA – The Planning, Development and Infrastructure Act 2016 contain principles of high-quality design. Changes to the South Australian planning system in 2012 included the introduction of a statutory referral to the Government Architect (Chair) for certain development applications assessed by the State Commission Assessment Panel (SCAP). The recommendations from the Design Review Panel inform the referral to the SCAP by the Chair. The SCAP places significant weight on this advice in helping to raise the standard of design in South Australia.

GANSW – the Act has been updated to include a reference to trigger design review panels for certain projects. Good design can be measured and assessed against standards and guidelines set by the Government. For example, SEPP 65 enables good design by establishing a consistent approach to the design and assessment of apartments and the way councils assess them.

DAP – There is clear integration with the development approval process. The City of Sydney DAP produces advice sheets in addition to meeting minutes. These can be included in reports to decision making committees, such as Council's Planning and Development Committee and the Central Sydney Planning Committee.

### Discussion

Several successful components of design review emerged from the benchmarking exercise. It is clear that independent design review panels can lift the design quality of both private development and projects led by government. Projects led by City of Melbourne should receive the same level of independent design review and scrutiny as private development to promote a culture of design excellence.

The benchmarking confirmed that design review panel reviews undertaken early in the process such as at the pre-application stage are the most effective in informing design changes in a manner that can be taken on board with limited time and cost implications to a project.

The benchmarking showed that design review panels ubiquitously comprise independent experts with high expertise and credentials. This leverages the profile of these experts to influence project outcomes but equally ensures adequate separation from decision-makers. This offers impartial advice which is not influenced by the client, the local authority or the design team. Although panel members do not have decision making powers, it is imperative that advice and recommendations are formulated in a way that can be implemented and the RA can rely upon in their assessment and decision.

Panel advice should be informed by and respond to the context of the relevant planning framework to give the advice greater weight in planning decisions. This is done successfully by ODASA, GANSW, OGAWA, and Auckland where the advice is framed by principles of good design that are documented in published guidelines and embedded within their respective planning system. The Terms of Reference of the DAP makes specific reference to relevant policies for the panel to consider in making their recommendations, cognisant of the role of planning policy in providing leverage to secure design outcomes. While expert members of the VDRP are briefed on planning matters, the reports are aimed at influencing the project team rather than integrating with decision making processes. It is felt that this lack of utilisation of policy as 'hooks' to contextualise design advice weakens the effectiveness of the Panel's advice on planning application decisions. A clear Terms of Reference listing the relevant sections of the planning scheme or design policies that the panel must have regard to and utilise as positive leverage (such as the Central Melbourne Design Guide) is critical to frame the panel considerations. This should be reinforced in the report which should be drafted in a way that enables ease of use by decision makers. If a City of Melbourne Independent Design Review Panel is to be pursued, then a clearer link must be established between design policy, guidelines, the design review discussion and resulting written advice to ensure it has the desired effect with the development assessment process.

The CoS DAP is a comparative model to understand how a design review panel operates at a local government level. The relationship of the DAP to the GANSW is worth investigating further. One clear benefit of the DAP is a smaller pool of experts to ensure a more intimate knowledge of the city and the relevant design objectives within the CoS SEPP and LEP.

The WA SDRP is a useful precedent to explore the relationship between state and local panels. The majority of metropolitan local government areas in metro have established a Local Design Review Panel. Local authorities without a panel can access the State Design Review Panel when demand for the review of state projects is low. There is also the opportunity to review significant local projects where mutually agreed with a local government until a local panel is operational, or on an as needs basis. Considering the high demand for the VDRP and the high amount of locally significant City of Melbourne projects this is not considered a viable option. It is also difficult to anticipate when demand will be low for state significant projects and therefore provides no certainty for local projects seeking design review. For this to work in Victoria, the OVGA would need to provide this service to 79 local government areas. This would require increased resources, additional funding and could create an administrative burden to the OVGA. There is an opportunity for the OVGA to streamline the process for local governments, and create model templates, guides, and Terms of Reference to aid local governments to establish their own independent design review panels, assisted by the OVGA. The City of Melbourne could show leadership in this area by developing a pilot process in collaboration with the OVGA.

### Recommendations

- Investigate if the OVGA could review more projects of state significance through the VDRP.
- Advocate to the OVGA to develop processes for local governments interested in establishing independent design review panels.
- Model a City of Melbourne Independent Design Review Panel for projects of local significance on the successful City of Sydney DAP approach, integrated with the development approval process.
- Investigate the cost and resource implications of a fully funded and operated City of Melbourne Independent Design Review Panel.
- If a panel is supported, establish a small pool of experts to sit on the Panel. Refresh membership every 2 years.
- Establish definitions, criteria and thresholds . to determine whether projects of local significance require referral to a panel. Thresholds such as, scale, value, significant sites, project type (e.g. heritage, or student accommodation), placed-based plans, or site specific amendments should be developed and made public.
- Advocate for a trigger to include the OVGA as a statutory referral authority (or planning pathway) to give greater weight to the advice and recommendations provided by the VDRP. Work with the VDRP to strengthen their Terms of Reference to reflect planning integration.

## Design Review Panels in the Planning Process

The research to date, including benchmarking, interviews with stakeholders, and literature published by CABA, OVGA, and GANSW all point to the value of design and design review processes. Part of an effective design review process is determining the criteria in which proposals can be tested against. Design review is closely linked with the development application process and responds to the planning and policy context of the respective state or local government.

In the UK, design review was embedded in the National Planning Policy Framework (NPPF Clause 129). This enables local authorities to establish their own design review panels, but critically provides statutory weight to the advice of the panel, in addition to the potential for 'veto' rights to refuse a project of low design quality. This national platform proved highly successful in 'normalising' design review process within the UK context. Although CABA in its original form is defunct, there remains a strong legacy culture of design review panels including local authority led. It is important to understand the legacy of CABA as it has directly influenced the more recent adoption of formalised design review panel processes within New South Wales, South Australia, Western Australia and Victoria.

To better understand the policy and planning context for design review in the City of Melbourne, the integration and alignment of design guidance and the policy context for NSW and Victoria are compared and discussed below.

### New South Wales Planning Context

GANSW recently published the design document 'Better Placed' this establishes principles and guidance to support good design in NSW. The NSW SDRP was established to deliver to principles and ambitions of 'Better Placed'. This provides a consistent, state-wide framework for reviewing the design quality of State significant Projects.

'Better Placed' is multi-pronged approach. It not only outlines the value of design and provides clear principles to assess design against at a State level, it enables effective design processes to be established and supported in the planning system. This integration between policy, statutory processes, and design review processes distinguishes it from other States.

'Better Placed' integrates high level design objectives with development approval processes by:

- Making reference to the objectives of 'Better Placed' in design review processes and submissions by applicants.
- Making reference to 'Better Placed' in NSW's District Plans and Regional Plans.
- Embedding good design and 'Better Placed' early in the conception, scoping and briefing stages of project development when design can add most value.

In NSW Local Environment Plans (LEP) include provisions that require the decision-maker to consider design excellence as part a planning application process. This requires the decision-maker to determine that a development exhibits design excellence in order to support the application. Design excellence can be achieved for certain proposals if a design competition or design review panel (such as the DAP or SDRP) is utilised

'Better Placed' also led to amendments in the *Environmental Planning and Assessment Act 1979* to embed 'good design an amenity' as an objective of planning in NSW. This elevates design to be considered and balanced against other objectives and sends a message that 'good design and amenity' is an equal priority for government.



## Victorian Planning Context

In the Victorian context, the planning framework operates at a state and local level through the Victorian Planning Provisions, supported by other strategic planning guidelines. Planning schemes include a range of both mandatory and discretionary controls used to assess development proposals. Mandatory requirements may be assessed by a development planner, however discretionary or performance-based requirements identify design objectives to be met without prescribing how to achieve them. This requires experienced design professionals to evaluate the merit of proposals against the performance-based requirements to determine if a proposal achieves the design objective.

### *The role of VCAT and the right of appeal*

VCAT plays a major role in reviewing planning decisions. Once a planning decision is appealed, VCAT will only review the application based on merit against the relevant provisions in the planning scheme and decide whether the proposal is 'acceptable' on balance. Design considerations are a subset of many layers of planning policy and regulation to be considered for every planning application. If a project can meet a range of other objectives of the planning scheme, such as urban consolidation, or housing affordability, then matters of design quality are sometimes set aside. When design advice is not aligned to the design objectives for Victoria it does not hold any statutory weight in VCAT determinations.

### *State Planning Policy*

While there are several high level urban design objectives within the Victorian Planning Provisions, there is a gap in an overarching policy which clearly states the Government's position on design.

Clause 15 - Urban Design sits within the SPPF of all planning schemes. It outlines high level design objectives. There is a reference to the policy document '*Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*' This document provides detailed objectives, strategies and guidelines for assessing urban design proposals in both the public and private realms. These guidelines are published on DELWP webpage. However, as these guidelines are a reference document they sit outside the planning scheme and therefore carry no statutory weight in decision making.

Plan Melbourne makes several references to design excellence and state design review processes. Policy 4.3.1 is to promote urban design excellence in every aspect of the built environment. This outlines the role of independent, expert design review in improving the quality of design outcomes for significant developments. The policy direction also outlines that more sophisticated design capabilities, will aid local government to assess and advise throughout the development approval process. Within the 5 year Implementation plan there are several actions associated with this policy.

These include: Action 55 – Excellence in built environment design “Promote excellence in how Victoria’s built environment is designed and constructed by:

- Embedding design review in the assessment of significant development projects to ensure the highest possible design outcomes are achieved on major public- and private-sector projects.

This will apply to:

- Significant government or funded (including local government) projects
- Projects that impact on places on the Victorian Heritage Register
- Significant private-sector projects referred by local government
- Strengthening design understanding and capabilities within all levels of government.”

Action 57 – urban design advisory service to local government “Partner with local government to establish a three-year pilot urban design advisory service, modelled on the successful heritage advisory service”

In 2018 the Victorian Government committed \$10m to further work on apartment design quality, including the formulation of an advisory panel.

### City of Melbourne Policy context

City of Melbourne seeks to achieve design excellence in its own projects, and has consistently advocated and influenced high quality outcomes in projects by others. This is supported by local policy (MSS, 22.01 'Urban Design in the Capital City') Development Plan Overlays, and Design and Development Overlays. In February 2018, Amendment C308 Urban Design in the Central City and Southbank, and its accompanying visual guide, the Central Melbourne Design Guide, was endorsed by the Future Melbourne Committee. The aim of this Planning Scheme Amendment is to raise the bar on the design quality of private development, with a particular emphasis on the quality of ground floor interfaces and human-scale experience of Melbourne's streets and laneways.

As of July 2019, City of Melbourne is currently working through the Amendment C308 Panel Report. This follows a period of extensive public consultation and review by members of Planning Panel Victoria. City of Melbourne officers are currently working with the Department of Environment, Land, Water and Planning (DELWP) in considering the Panel recommendations and assessing changes to the policy document and guide accordingly. A revised version of the policy and guide will then be presented to the Future Melbourne Committee for endorsement before being presented to the Planning Minister for consideration of adoption.

Whilst not yet an adopted Amendment to the Planning Scheme, C308 and the Guide has had a significant influence in the way UDDR team conduct both written and verbal urban design advice. Officers regularly make explicit references to C308 policy provisions, highlighting its status as an endorsed Council position. Proponents are encouraged to refer to examples and diagrammatic illustrations within the Guide to ensure a closer alignment of expectations.

### Discussion

Development approvals are assessed using the relevant planning framework. In the performance based Victorian planning context, design review has the most impact when integrated with the development approval process. The review achieves impact through its leveraging of state and local policy.

There is currently a gap in Victoria between the policy framework and design review processes, limiting its potential effectiveness. The Terms of Reference for an Independent Design Review Panel should include the relevant planning provisions that the panel must have regard to (for example the Central Melbourne Design Guide or specific Design and Development Overlay requirements). This will ensure advice and recommendations from the panel are framed by the provisions of the planning scheme and can be drawn upon by planners in making a decision.

### Recommendations

- Utilise Amendment C308 to provide a robust policy platform that informs the Terms of Reference for effective Design Review.
- Advocate for amendments to the *Planning and Environment Act 1987* to embed good design as an objective of planning in Victoria.
- Advocate for introduction of State Policy which elevates the importance of good design and design excellence.
- Advocate for the integration of design review panels within the development assessment process.
- Explore the integration of a 'pathway' or other policy triggers to enable consideration by a Design Review Panel as a process.

- Identify requirements for design review for sites of strategic importance where design excellence is demanded. Design review panels established for strategically identified sites, which are identified through place based work. i.e catalyst sites.
- Identify within the City Vision, MPS, and local area structure plans where a City of Melbourne Independent Design Review Panel is appropriate.

## Stakeholder Discussions and Interviews

We have undertaken formal and informal stakeholder engagement through the design Excellence API. Discussions with industry groups through stakeholder workshops, representatives from key professions such as AIA, AILA and PIA revealed that:

- Design review undertaken by independent panels is supported by the industry.
- Design review is a critical process to create leverage with a client. Hearing advice from multiple experts helps the client to see the value in design.
- It is frustrating when the bar is not lifted, even after several rounds of the same advice.
- Design review can be too 'tame' and not critical enough to be useful. Clear recommendations need to be made in design advice.
- C308 is a useful design tool because it can be linked to policy.
- Timing is critical – sometimes panels occur too late in the process. Design review adds most value when it is undertaken early in the process.

Discussions with key government (DELWP, DV, OVGA, and VPA) stakeholders revealed that:

- There is a risk that design review panels can be seen as 'road blocks' in development application timelines.
- The 'Design Quality Team' (DQT) approach is sometimes favoured over the VDRP as it is less formal and more collaborative.
- VDRP is not bound by a regulative framework and comments are handed down as advice only.
- It could be problematic to share the design experts with council led panels because of contract conditions.
- If expert panel members were shared, then this should become an additional service offered by the OVGA to all Councils.

Additional discussions with the OVGA revealed:

- A preference to work with City of Melbourne and not duplicate a design review panel.
- South Australia sets a good precedent because it is mandated and linked to planning process.
- The role of the chair is important, as they can filter for unconstructive advice.
- There are a range of design review tools that could be adapted for City of Melbourne purposes.
- Independence is important as there is no vested interest and advice is impartial. An independent panel de-risks the advice from Councilor agendas.
- A design review panel is often triggered too late in the process.

In February 2019 officers within the UDDR interviewed the GANSW to understand how the Better Placed policy was integrated with the newly established SDR. The key observations were that:

- The 'Better Placed' policy was being used in design review, but design review discussion didn't strictly follow the objectives.
- 'Better Placed' was being used in the creation of briefs for design competitions.
- Design competitions are used in conjunction with other design excellence processes, such as a design review panel. A design review panels could be an alternative design excellence process to a design competition.
- If a project was subject to a design competition, it could subsequently become a candidate for a design review panel at a later stage.
- This is where the City of Sydney and the GANSW would work together to review a project initiated by the City of Sydney.
- Design review panels get the best results when linked to planning policy or triggered by legislation.

Since undertaking the benchmarking study, we have also interviewed the City of Parramatta, the City of Sydney, and the Government Architect NSW as part of the broader Design Excellence Program. These interviews provided an insight into how both the City of Sydney and Parramatta undertook design review in conjunction with their competitive design process and the relationship to the State Government. The City of Sydney use their DAP hand-in-hand with their competitive design process. The City of Sydney also operate the DAP as a separate independent review process from the GANSW for projects of local significance.

#### Interview with Matthew Carmona

In early 2019, we undertook an interview with Matthew Carmona, an internationally renowned expert in design review and design review panels. The key lessons from his experience were that:

- There is no evidence that internal design review panels work, an independent panel is the key.
- A Terms of Reference should outline the relevant planning requirements for the panel to consider.
- A design review panel should be transparent and politically independent.
- The panel should be administered by the planning authority rather than a third party.

#### Discussion

Stakeholder discussions revealed support for the OVGAs DQT as this embedded a collaborative approach with greater team member knowledge of the context and had greater influence over the project brief.

There were concerns around the duplication of roles and design review panels between the VDRP and a City of Melbourne Independent Design Review Panel. The discussions also outlined that there was a lack of precedent for municipal-led design review panels in Melbourne, but were commonplace in other parts of the country, such as South Australia. There is an opportunity for City of Melbourne to work closely with the OVGA and draw from their extensive experience and knowledge to establish an Independent local design review panel. This would have a focus on projects of local significance and would not duplicate the role of the VDRP panel in reviewing state significant projects.

#### Recommendations

Many of the ideas and recommendations from the stakeholder workshops overlap with the findings of the desktop analysis and benchmarking studies. The key elements that resulted from the interviews which have not been captured elsewhere include:

- The OVGA structure increasingly using DQT in addition to VDRP. Ensure clarity around when DQT and VDRP are used.
- Avoid duplication of state significance with VDRP by only reviewing projects of local significance.
- Establish a consistent state-wide approach and processes for local design review panels, supported by the OVGA.
- Trial a City of Melbourne Independent Design Review Panel as a pilot in partnership with OVGA.
- Advocate to the State with other inner metro councils through the Inner Metro Councils Working Group.

## Pilot internal Design Review within the City of Melbourne

In 2016, the Organisation Plan Goal 44 identified the establishment of an internal City Design Review Panel. This was trialled in 2017. The purpose was to address major project planning applications and larger, more complex, sensitive project proposals.

This proposal was for a formalised, structured design review panel and process, with a clearly identified City of Melbourne owner. It would be used for the evaluation of qualitative aspects of large, significant and sensitive projects to advance design quality in a way that is robust, accountable and clear, to ensure strong, clear advice is provided to management, Council and the community. The City Design Review (CDR) proposed to remove duplication, streamline responsiveness, increase efficiency and ensure transparency, consistency and coherence in the strength and quality of design advice.

In relation to planning assessments, it was proposed that design review be engaged to enable expert, efficient and effective design input at the early stages of negotiation on projects. This would highlight design concerns early in order to support high quality outcomes. Additionally this would extend the established strong culture of customer service and facilitation through the pre-planning process.

A similar approach would apply to those projects where City of Melbourne is a partner or key stakeholder for a project being delivered by an external agency. The review process would provide early, clear and transparent feedback to assist in advancing design quality, and advice to City of Melbourne to assist in decision-making.

In relation to large or significant projects where design solutions are produced or procured internally, CDR would advance the quality of outcomes through increased exposure to an efficient, expert forum, informed by advance technical review.

This process was trialled in 2017 with a mock panel established by members of the Urban Strategy Branch for a site in Fishermans Bend. This involved:

- 90 minute session with 8 attendees.
- Briefed by a team member, with a presentation and background material.
- 2 full working days of the team member's time in preparation and a further 1 full working day writing a review.
- The review provided valuable broad advice, but limited detailed guidance on planning matters.
- The City of Melbourne Design Review report was not used in subsequent planning negotiations in the assessment process.
- The process was informal and lacked an impartial chair who managed time and discussion.
- Limited transparency of the process to applicants and the design team.
- No involvement of independent experts from outside of the City of Melbourne

### Discussion

The trial was inefficient from a time perspective and didn't have the intended effect or influence on project outcomes. An internal design review panel adds administrative time and a resource burden without any clear benefit beyond existing day-to-day design review processes. There is limited evidence to support the value of internal design review panels beyond internal specialist referral advice. As highlighted through research, transparency of the process to all parties involved is key factor. Importantly, an internal design review panel report has no status or visibility for external parties such as design teams and applicants.

### Recommendations

- Do not proceed with an internal design review panel.

## Evaluating Design Review Process

From the evaluation of our own internal processes, benchmarking study, review of design review panels in the planning process, and stakeholder engagement, there are some emerging gaps between our current design review processes and best practice. This research has helped to identify best practice principles which we have used as evaluation criteria to assess options for a design review panel. A summary of each option is described below.

### 1. City of Melbourne Internal Design Review Panel

- This option would involve an internal design review and panel membership across key areas of Council, such as Urban Sustainability, City Design, and Urban Design and Design Review.
- This approach was trialed as an internal review panel in 2017 by the Urban Strategy Branch (discussed above).
- We have assessed this option against the evaluation criteria to understand how it meets best practice principles of design review identified below.

### 2. City of Melbourne Independent Design Review Panel (Locally significant projects)

- This option would use a small panel of independent design experts.
- The panel would only review projects of local significance where City of Melbourne is the Responsible Authority.
- Provides an opportunity for approximately 24 projects to be reviewed over the course of a year.
- The panel would be fully funded and operated by the City of Melbourne.

### 3. Victorian Design Review Panel (State significant projects)

- This is not an option, but an assessment of how the existing VDRP addresses the evaluation criteria. This was undertaken to understand any existing gaps and opportunities to work with the OVGA to improve processes for projects of state significance.

## Evaluation Criteria

The following provides a summary of best practice criteria for design review based on the above discussions and recommendations:

**Independent** – The panel members should be independent. Impartial advice that is removed from the planning process de-risks the decision and makes it less susceptible to political agendas. Design review should be conducted by people who are separate from the project, decision-makers, or any other parties that may have an interest.

**Expert and Objective** - The panel members should be expert and experienced in their field and be able to appraise schemes objectively. The Panel must assess the proposal based on reasoned, objective criteria. It offers an objective critique of the quality of the design, whatever the architectural style. The expert advice given by the Panel is unbiased and free of subjectivity.

**Multidisciplinary** - The panel should comprise individuals from a variety of professional backgrounds. Mixed disciplines across all design professions is important to provide specialist insight into projects above the skills on the responsible authority.

**Timely** - Ensure design review occurs early in the design and development process. Design review has most influence early in the process when ideas are flexible and open to change. A mechanism to clearly identify which sites are subject to design review should be identified.

**Transparent** - The panel's Terms of Reference, membership, and processes should be publically available. The panel discussion should include all relevant parties including the design team, developer/client, along with key stakeholders and decision makers.

**Advisory** - An advisory role is important to separate the roles of advisor from decision maker; however the advice should be formulated in a way that the decision maker can use. Advice that is based on professional judgment but framed by principles of good design (ODASA, GANSW, DAP, WA) has proven to be successful because recommendations carry greater statutory weight.

**Continuity and consistency** – The same panel members should be maintained throughout the life of the project to provide consistency to the project.

**Accessible** - Findings must be clearly expressed in language that decision-makers and clients can understand and use.

### Evaluating Options for a Design Review Panel

The above evaluation criteria was used to compare each option (refer to Table 1). The results and preferred option are discussed below.

#### **Option 1 - City of Melbourne Internal Design Review Panel**

Developing an internal City of Melbourne Design Review Panel is not the preferred option.

Best practice principles outline that an 'independent voice' is a critical component of design review; this option would draw on in-house design professionals and does not add value above the current processes. Further, this option does not allow visibility of the design review process to external parties, and the design debate does not benefit the design team or the client. This process would become resource intensive, without any great impact above the current day to day design review processes.

#### **Option 2 – City of Melbourne Independent Design Review Panel (local significance)**

This is the **preferred option**.

Although the OVGA provide a valuable service of providing expert independent design review, there is a large gap in the amount of projects they are able to review over a year and the amount of design reviews undertaken on a day-to-day basis by City of Melbourne.

There is significant opportunity to bring in design review panel which is managed, funded and run by the City of Melbourne to review projects of local significance. An independent panel would have external, independent members. The advice would be transparent and would accompany planning decisions and recommendations made to Council.

The estimated implementation for a 6 month pilot phase would require the creation of a new Design Excellence Officer role (Class 6, FTE 0.5) in addition to honorarium payment for panel members, in addition to the resource implications of establishing administrative processes and terms of reference. Further resource implications are detailed below.

#### **Option 3 – Victorian Design Review Panel (existing)**

The existing VDRP panel process offers independent, expert advice for development applications of state significance. However is limited in the amount of City of Melbourne projects of local significance it can review per year. The research shows that as the VDRP is advisory only and does not frame advice using against the planning framework unless specifically requested. For applications within the City of Melbourne, there has been a gap between how the advice is handed down to be used in assessment against the provisions of the planning scheme.



## Key Recommendations

- Do not pursue internal design review panel.
- **City of Melbourne Independent Design Review Panel (local projects)** Pilot an Independent Design Review Panel that is integrated with the planning process to review projects of *local significance*.
- **Victorian Design Review Panel (OVGA)** Continue to work with the OVGA to ensure tailored integrated advice for projects of *state significance*.

## Resourcing a City of Melbourne Independent Design Review Panel

The resourcing and financial implications of establishing an Independent Design Review Panel relate to the operation of the panel, payment of panel members and administrative support. The Urban Strategy Branch could not support a successful Independent Design Review Panel with current staff and funding.

A new role would need to be created for a Panel Coordinator. Alternatively, a Design Excellence Officer position could be created to lead the Design Excellence Program. This would include responsibilities and tasks relating to City of Melbourne Independent Design Review Panel (including a panel coordinator).

The implementation of the pilot phase would comprise the following:

### Stage 1 - Implement Pilot Independent Design Review Panel (6 months):

- Advocating to the OVGA and other stakeholders, such as the Inner Metropolitan Council's Working Group.
- Establish Terms of Reference, administrative processes and select a limited panel of 5-6 members.
- Implement a pilot comprising 6 sessions over a six month period to review a total of 12 projects (2 projects per session).
- Honorarium payment for panel members
- Creation of a new Design Excellence Officer role (Class 6, FTE 0.5) for the 6 month duration of the pilot. The Design Excellence Officer role will be shared between the pilot and drafting a competitive design policy.

### Stage 2 – Establish Independent Design Review Panel (ongoing)

- Review and report on the outcomes of the pilot.
- Select an annual panel of 9-12 members and undertake 12 sessions per year to review a total of 24 projects.
- Ongoing honorarium payment for panel members for a full yearly cycle; and
- Maintenance of an ongoing Design Excellence Officer Role (Class 6, FTE 0.5).

The panel discussion and recommendations would effectively become the formal urban design advice and inform Council's position. Some resourcing would be required to finalise the advice and recommendations, however this would replace formal urban design advice that the UDDR Team currently prepare. The panel discussion would be integrated with the development approval process, therefore would be no need for urban designers to translate the advice to be used in the development assessment process. This task could be undertaken within the existing structure of the UDDR Team. Further work is required to understand the resource and governance implications and to measure the benefit of an Independent Design Review Panel to projects of Local significance within the City of Melbourne. A pilot implementation would enable testing of these implications to inform any ongoing program.

## Conclusions

To complement the existing internal design review and OVGA Design Review Panel, it is recommended that an Independent Design Review Panel is established to review locally significant projects for the City of Melbourne. Establishing an Independent Design Review Panel sends a strong message to the public and industry that design quality is important to the municipality and could provide additional design focus for locally significant projects to strengthen achievement of design excellence.

The UDDR Team assess a significant amount of design referrals a year, with many of these being of local significance. Over the last three years there has been a dedicated focus to providing consistent review. Establishing an Independent Design Review Panel at City of Melbourne will focus on projects of local significance and will complement our in house design skills to lift the design quality of these proposals adding weight and expert input from experienced professionals.

The findings of this discussion paper have identified where other design review improvements could be made in parallel to implementing an Independent Design Review Panel for City of Melbourne. A multipronged approach is recommended to improve design review processes at all scales of development. The Major Projects meeting within the City of Melbourne provides an opportunity for the development planner and technical experts to identify 'red flags' in proposals. This existing process can be used to resolve major planning issues in the first instance and if required refer a proposal for review to the Independent Design Review Panel or VDRP depending on scale and importance.

The role of the OVGA is important to continue to review projects of State significance. A City of Melbourne Independent Design Review panel will not duplicate the role of the VDRP as the purpose of the panel would be to review projects of local significance. The VDRP would continue to play a role in reviewing projects of state significance where the Minister for Planning is the Responsible Authority.

**Appendix A – Comparison of options for a Design Review Panel**

Options	Scope	Triggers	Independent /advisory	Expert /Multidisciplinary	Accountable /transparent	Timely	Advisory (Integration with planning)	Continuity and consistency	Cost and resource implications	Benefits	Issues
City of Melbourne Design Review panel (run internally)	Both private and public.	<p>Projects of local significance where Council are the RA.</p> <p>Projects that require review because of their size, value, or type (i.e. Heritage).</p> <p>Council led public realm projects.</p> <p>Determined through Major Projects – recommendation.</p>	<p>No</p> <p>The chair and panel members would be internal to City of Melbourne and therefore not separate from decision making process.</p>	<p>No</p> <p>Limited to in-house design skills which may not cover the breadth and depth of projects that require specialist technical skills.</p>	<p>No</p> <p>The design review panel would occur behind closed doors.</p> <p>The applicant and designers would have no visibility of the discussion or benefit directly from the design advice.</p>	<p>Maybe</p> <p>If additional funding could be secured.</p>	<p>Yes</p> <p>C308 used as a basis for the panel discussion.</p> <p>Clear recommendations made in line with C308 or other relevant local planning provisions are important for the advice to be useful and accessible.</p>	<p>Maybe</p> <p>Without dedicated resources, consistency and continuity of the panel members and chair could be problematic.</p>	<p>Needs to be properly funded and resourced.</p> <p>This would have resourcing impacts if it was run from the UDDR team.</p> <p>Design experts from across Council would also need to dedicate time towards monthly panel sessions.</p>	<p>Quick to establish.</p> <p>Develop s in house skills of designers and planners.</p> <p>Funding for experts is not required.</p>	<p>No independence.</p> <p>No access to experts to resolve specific issues.</p>
City of Melbourne Independent Design Review Panel  (run with an Independent chair and Panel of experts)	Both private and public.	<p>Projects of Local significance where Council are the RA.</p>	<p>Yes</p> <p>Panel members and chair would need to be external to City of Melbourne to be impartial and removed from decision making.</p>	<p>Yes</p> <p>Would draw form approximately 10 experts (based on the DAP model). With members refreshed every 2 years.</p> <p>This provides a more intimate - knowledge of the City of Melbourne.</p> <p>This number could be expanded after the 6 month pilot.</p>	<p>Yes</p> <p>The whole project team would be part of design review panel.</p> <p>Design advice would be attached to Councillor reports and made publically available at the time of the planning decision.</p>	<p>Yes</p>	<p>Yes</p> <p>Clear recommendations made in line with C308 or other relevant local planning provisions.</p>	<p>Yes</p> <p>A smaller pool of experts (10) would ensure consistency of advice and knowledge across Council policies.</p>	<p>New roles would need to be created for a Panel Coordinator/Design Excellence Role and funding of panel members.</p>	<p>Higher volume of independent review of major projects.</p> <p>Consistent one City of Melbourne view.</p> <p>Does not duplicate OVGA as it only reviews applications where Council is the Responsible Authority.</p>	<p>High cost implications for the amount of applications per year for Council.</p> <p>Further investigation into pilot is required to evaluate benefits.</p>

<b>Victorian Design Review Panel</b>	Both private and public.	Projects of State Significance where the Minister for Planning is the RA.  Referred through pre-application process	Yes  Existing panel members and chair are external to City of Melbourne and are removed from decision making.	Yes  A Panel of 62 experts can be drawn upon across multiple disciplines and specialist areas.	The design team and client are present at the panel.  Advice is generally not made public.	Yes  Advice is provided within 10 days of the panel to the applicant.	No  Advice is currently not framed by the provisions of the planning framework or urban design policy.	Yes  The same experts are generally available for multiple reviews to provide continuity of advice.	No cost or resourcing impacts above usual.	Voluntary (free) to applicants make design review accessible to design teams.  OVGA has established training and processes in place.	Advice is not currently framed by planning and design policies and make it difficult for decision makers to rely upon in assessing planning applications.  Only a small proportion of the City of Melbourne planning applications receive review.
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