



# Melbourne Design Review Panel

Terms of Reference (ToR) 2023-2027

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## Acknowledgement of Traditional Owners

*The City of Melbourne respectfully acknowledges the Traditional Owners of the land we govern, the Wurundjeri Woi-wurrung and Bunurong Boon Wurrung peoples of the Eastern Kulin and pays respect to their Elders past, present and emerging.*

*We acknowledge and honour the unbroken spiritual, cultural and political connection the Wurundjeri, Bunurong, Dja Wurrung, Taungurung and Wadawurrung peoples of the Eastern Kulin have to this unique place for more than 2000 generations. We are committed to our reconciliation journey, because at its heart, reconciliation is about strengthening relationships between Aboriginal and non-Aboriginal peoples, for the benefit of all Victorians.*

## 01 Introduction

The City of Melbourne has a commitment to high quality design outcomes across the built environment, as supported by its Design Excellence Program. This Program is multifaceted, covering leadership, advocacy, design review and design competitions. It builds upon the focus on high quality urban design from Design Development Overlay 01 (DDO1) – Urban Design in Central Melbourne which seeks to establish minimum design standards. Parallel processes that support high quality design are needed to consistently improve built environment outcomes.

As part of the Design Excellence Program, the City of Melbourne established a Melbourne Design Review Panel (MDRP) to elevate design considerations within planning and procurement processes. The MDRP is an expert advisory group whose role is to provide independent, multidisciplinary design advice on specific proposals.

This document lays out the Terms of Reference for a four year MDRP program from July 2023 to July 2027, delivered and funded by the City of Melbourne.

### Key objectives

The MDRP seeks to facilitate improved design and quality of the built environment through providing information, expert advice and clear recommendations. The key objectives of this Panel are to:

- **Reinforce Council's commitment to design excellence**  
The City of Melbourne believes design is important to our City and the MDRP is a key mechanism for constructively raising the quality of design within the municipality.
- **Provide a robust and efficient review process**  
Our goal is to ensure an effective and efficient process achieved through early project engagement with the Panel. The Panel can provide certainty for proponents by identifying problems that might otherwise lead to delays in planning approval and a positive review can also provide authorities with greater confidence in the proposal.
- **Maximise influence on city shaping projects**  
This Panel will review major city shaping projects where the development's significance warrants the investment in this service and to further support the delivery of high quality places and outcomes for people.
- **Establish a resource with a complementary role**  
This Panel will complement established design review processes, with the majority of significant planning applications continuing to be seen by the Office of the Victorian Government Architect's Victorian Design Review Panel (VDRP). There are clear distinctions between the purpose and scope of MDRP and VDRP in terms of their procedures, participants and relationship to the planning process.
- **Create a process that is equitable**  
Proponent teams are strongly encouraged to be gender equitable, and to have cultural and intersectional diversity. A ratio of 40:40:20 men/women/other is requested.

## 02 Scope of advice

The scope of projects to be reviewed by the Panel will include locally significant development applications within the City of Melbourne (as defined below), alongside Council-led capital works, planning and public domain strategies and policies.

The Panel is not positioned to make decisions, but will offer impartial expert advice to project teams and decision-makers to enable the optimal design outcomes for reviewed schemes. In the instance of development applications where the Minister is the responsible authority, the Panel will assist Council in forming referral authority advice to State Government (Department of Transport and Planning) who will then distribute the council's referral authority advice to applicants.

The MDRP will not generally provide advice on projects that are considered by the Victorian Design Review Panel (VDRP). Exceptions to this will allow for the cross briefing of panels at MDRP and VDRP. Projects for review by MDRP will be selected using the criteria below. The MDRP Chair will have final sign off for project selection, whether they be Council projects or private developments being considered via the planning process.

### Project selection criteria

Specifically the MDRP will review significant development proposals within the City of Melbourne, this may include consideration of projects that are informally or formally referred to Council by the Minister for Planning and as defined below:

#### 1. Proposed development and applications across the municipality, which are any one of the following:

- a. Significant in terms of location, complexity, impact.
- b. Proposes demolition of a substantial portion of a heritage building graded 'significant' or a place listed on the Victorian Heritage Register.
- c. Sensitive in context such as:
  - Adjoining a place listed on the Victorian Heritage Register;
  - A significant public space; or
  - Major public infrastructure.
- d. Establishes a new benchmark or precedent (Urban Renewal areas, site-specific planning scheme amendments/Incorporated documents).
- e. Deemed by Planning to warrant a design review (challenging planning policy, anticipated by, or contrary to, a proposed major amendment to the MPS).
- f. Requested by the applicant, which the Chair agrees should be considered.

#### 2. Capital works, as identified by City Design, which are any one of the following:

- a. Public realm or community architecture, landscape architecture, urban design and design integration of public art projects.

#### 3. City of Melbourne planning and public domain policies/strategies.

### **03 Panel process**

For projects to be reviewed by the MDRP, early engagement, ideally at concept design stage, is recommended. It is important that the MDRP see the proposal prior to formal planning lodgement because this is when changes can be made with minimal time and cost implications.

A number of iterative design reviews, from initial concept through to developed design stages can occur for each project. Specialist Panel or Chair input may also be sought at the planning permit conditions stage to ensure a high quality standard is maintained through to delivery.

The MDRP has been established in line with the Design Council's (UK) (formerly CABI) internationally recognised design review best practice guidance, including the Principles of Good Design Review (refer Appendix A).

## 04 Panel members

The MDRP comprises a core group of built environment experts). The panel are from the disciplines of architecture, landscape architecture and urban design, with depth and variety of industry experience and knowledge. Members must be registered with relevant professional bodies (in their home state), bound by respective codes of conduct, and experienced in offering objective and constructive design advice.

The role of the panel members is to act as impartial advisors providing information, expert advice and recommendations. Specific roles and responsibilities of each Panel member are:

- Ensure familiarity with the central Melbourne context and current planning practice (strategic and statutory).
- Fully prepare for meetings by undertaking site visits (where possible) and review briefing material prior to each review session.
- Abide by the MDRP code of conduct including declaring interests and maintaining confidentiality.
- Attend half day, panel meetings as scheduled by the Chair and participate in a collaborative meeting format.
- Provide informed advice that is unbiased and free of subjectivity.
- Contribute to finalising the advisory report consistent with meeting discussions. City of Melbourne will take responsibility for drafting the advisory report and the Panel are to review this within 2 days.
- Commit to availability for 90 percent of the meetings scheduled.

### Appointment

The selection of panel members is through a public application. The appointment of panel members is made by the MDRP Chair, based on recommendations by the City Architect and Director City Design. Councillors will be notified of these recommendations and provided the opportunity to request referral to Council prior to formal appointment.

Panel positions are limited to 16 panel members. Tenure is for a period of two years. The City of Melbourne is not obliged to make any minimum payment to any panel member during that period of time. At the end of the tenure period, MDRP members may be invited to accept reappointment following review of performance and skills

There is one position on the panel are reserved for invited specialist design experts. This position is for award winning practicing designers who have specific experience relevant to a project, but who cannot commit to an ongoing panel position. Invited specialist designers will be included in the panel at the discretion of the Chair.

The City of Melbourne made a pledge in 2015 to achieve gender balance at every forum and so this panel will strive to achieve 50:50 gender balance. Panel membership shall also be made in accordance with the Diversity Policy and represent a broad cross-section of the community. For the purposes of the Policy, diversity includes gender, age, ethnicity and cultural background.

## 05 Technical Experts

The City of Melbourne may engage with a pool of technical experts as required, where the complexity of a proposal warrants in-depth, specialist evaluation to support the Panel's consideration. Such areas of expertise could potentially relate to the following:

- Sustainability and Environmental Design
- Heritage
- Development Feasibility
- Structural Engineering
- Accessibility/Universal design
- Transport Planning
- Planning
- Public Art
- Aboriginal Cultural Heritage
- Communications
- Community Engagement

The selection and appointment of technical experts will follow the same open recruitment process as described for core panel members.

The roles and responsibilities of the Technical Experts are to:

- Fully prepare for meetings
- Actively participate in a collaborative meeting format
- Bring technical and evidence based research and experience to the table
- Consider and raise issues, proposals and ideas
- Provide expert advice and guidance in a timely manner
- Conduct themselves in a professional manner in all interactions including punctual attendance of meetings and positive communication.

## 06 Key roles

### Chair

All meetings will be presided over by an effective chair who must have the ability to act fairly and impartially, integrate a range of views and draw a coherent conclusion for each panel session. The Chair will be responsible for managing meeting opening and closing proceedings and ensuring sessions stay focussed, relevant and on time. A key function of the role is ensuring that all Panelist are provided equity of opportunity to critique the proposal and inform the resultant report. In the instance the Chair is unavailable, these responsibilities will be undertaken by the Deputy Chair.

Specifically the roles and responsibilities of the Chair are to:

- Attend all panel sessions (where possible and appropriate).
- Facilitate a collaborative meeting format ensuring there is a balance of multiple voices.
- Confirm the Panel's advice and ensure recommendations are consistent with Panel discussions.
- Inform Council on the progress and outcomes of Panel work.
- Offer quality control over the process and co-opt additional support as required.

The role of Chair will be filled by the General Manager Strategy Planning and Climate Change.

### Deputy Chair

The Director City Design or their nominee will fill the role of Deputy Chair. The Deputy Chair will stand in as Chair when required. Proxies for the role of Deputy Chair include Director Planning and Building, Director City Projects, Director City Strategy, and City Design Managers.

Specifically the roles and responsibilities of the Deputy Chair are to:

- Attend all panel sessions (where possible and appropriate).
- Approve all panel session agendas, design advice and other material for distribution.
- Coordinate with the VDRP to minimise overlap review of Ministerial development applications.
- Contribute governance advice where requested by the Chair.
- Approve advisory report for distribution.
- Nominate Design Principals to deputise for absent panellists.

### City Architect

The City Architect or their nominee is a full member of the panel. They will use their design expertise, acumen and experience to take a lead role in focusing discussions, bringing context and background to appropriately position deliberation on items.

Specifically the roles and responsibilities of the City Architect

- Attend all panel sessions (where possible and appropriate)
- Support City Design in managing the Design Excellence Program
- Support the Chair and Deputy Chair to summarise recommendations.



## 07 Meetings and advice

Review sessions will be attended by up to five panel members, with potentially one Technical Expert, the Chair and Deputy Chair or their nominee (maximum eight members in total) with a quorum being a minimum of two panel members, the Deputy Chair and/or the Chair (minimum four members in total). The MDRP will convene for a half day once every two months or as requested by the Chair, during office hours. Separate panel sessions may be convened to address particular project requirements. All dates for the review sessions will be set in advance and held at Melbourne Town Hall or online where applicable.

Each project review session will be allocated up to 90 minutes for Council to provide a briefing, the lead designer to present the scheme and for the panel to discuss. Final advice and recommendations, as endorsed by the Chair, will be collectively drafted by Council officers, confirmed by Panel members and the relevant planner where development applications are considered, and distributed to the proponent team or consenting authority within seven working days of the review.

The format of each session will be as follows:

<b>Project review session (nominally 90 minutes)</b>
<p><b>Pre circulation of material (1 week prior)</b></p> <p>Council Officers circulate summary project briefing, presentation and agenda to the Panel.</p>
<p><b>01 Closed briefing (10mins)</b></p> <p>Provided by Council Officers outlining key matters for review, planning controls, development context and other relevant information. VDRP and DELWP may attend the briefing for an overlapping project</p>
<p><b>02 Project presentation (30mins)</b></p> <p>Provided by proponent team, covering site and urban context response, planning response, ground floor plans, street elevations and summary response to Panel comments when receiving subsequent Panel review.</p>
<p><b>03 Brief Q &amp; A (10mins)</b></p> <p>Brief opportunity for proponent team to clarify any Panel member queries.</p>
<p><b>04 Group discussion (40mins)</b></p> <p>Feedback from each Panel member, with the opportunity for proponent to provide a response.</p>
<p><b>05 Session Close (10mins)</b></p> <p>Chair leads a high level roundup of comments provided.</p>
<p><b>Advisory Report (10 working days post session)</b></p> <p>Council Officers responsible for drafting advice within 7 working days. Panel to review within 2 working days. Panel endorses the advice. Chair, City Architect and Deputy Chair approves the advice for issue. Council Officers issue the advisory report to Council project lead/responsible authority/project team within 10 working days</p>

## **Advice framework**

The Panel is to provide advice that will have due regard to any relevant local, state or national plans, policies and guidelines. Such documents are to be specified by the City of Melbourne when convening the Panel to review any project. Projects should provide an overview of budget, costs, programs, scope and risk parameters.

The formal written advisory report is not minutes of the panel meeting but a comprehensive synthesis of key matters discussed throughout. The advice should clearly communicate whether a proposal is supported and, as pertains, highlight strengths alongside a shortlist of fundamental flaws or opportunities that need addressing.

Advice on development applications will be framed, where appropriate, in accordance with the structure of the Central Melbourne Design Guide which mirrors the structure of Design and Development Overlay 1 (DDO1). The themes are structured in order of scale from the neighbourhood or precinct, down to building massing, interfaces and design detail. Framing the advice in accordance with performance based design principles will provide statutory weight to subjective components of design review.

## 08 Panel attendance and management

### Proponent team

The lead architect or project designer will present the proponent's proposal to the Panel and up to five key members of the proponent team (including lead designer) are invited to the review session.

The drawing package, for pre-circulation, is to contain only the following:

1. Location plan
2. \*Response to panel feedback (\*for returning projects)
3. Contextual analysis
4. Explanatory diagrams/drawings to illustrate approach and concept
5. Supporting precedents/case studies
6. Design iterations or options
7. Concept plans
8. Streetscape elevations
9. Typical sections illustrating building / public realm relationships
10. Perspective views/renders inclusive of context

The presentation is to include the above information and be a maximum of 30 slides for commentary within a 30 minute time allowance.

### Additional attendees

#### Council Officers

A key component of a successful session will be the briefing prepared by relevant Council Officers. The verbal briefing will consist of:

- The stage of the project.
- Overview of the site including history, current and future surrounding context.
- Planning or other controls, including any relevant amendments.
- Any concerns identified through internal referral pathways (e.g. heritage, stormwater, and traffic/parking).

Additional Council staff, relevant to the project, may attend a review session as observers.

#### Observing Officers

The Chair and Deputy Chair will nominate up to 3 staff members from architecture, landscape architecture, urban design and/or planning or high performing graduates within Council to attend review sessions as observers to nurture building and design knowledge and culture.

#### Councillors

Councillors to be invited to attend as observers with the approval of the Chair.

#### Key Stakeholders

Key stakeholders may also be invited to attend as observers and may be invited to brief the Panel on specific issues relating to their respective agencies, including but not limited to: the Department of Transport and Planning (Development Approval and Design team), the Office of the Victorian Government Architect, and representatives of other agencies as required.

Additional time may be allowed to address the above.

## **Panel management**

The selection of projects to be reviewed by the MDRP is made by Council Planning and City Design Officers, in accordance with the selection criteria.

The decision on whether a project is to be reviewed by the MDRP is made by the Chair or Deputy Chair in consultation with City Design Officers in accordance with the Project Selection Criteria and upon recommendation by the relevant Director or General Manager.

The Chair will have final sign off for project selection, whether they be Council projects or development applications.

Panel coordination and administrative support would be performed by Council officers within the City Design Branch. Functions will include:

- Prepare the panel session agendas.
- Prepare panelist briefing presentation outlining relevant background information.
- Provide briefing to panel.
- Coordinate meetings and provide secretariat support to the Committee.
- Circulate briefing information to Panel members in a timely and accessible manner.
- Draft succinct written advice as an Advisory Report (2-3 pages max). Advice must be clearly expressed and is to follow the framework outlined on page 10.
- Organise the fees and payments for the MDRP (where applicable).
- Organise any additional information for the panel meetings.
- Provide specialist support to the Deputy Chair and Chair of the MDRP.
- Undertake additional meetings with senior stakeholders as required.

## **09 Confidentiality and interests**

### **Conflict of Interest**

In the event of a conflict of interest arising for any member of the Panel, the matter must be immediately tabled and the member must abstain from any dialogue in relation to that matter.

### **Confidential and sensitive information**

Members are expected to comply with the confidential information provisions contained in Sections 3(1) and 125 of the *Local Government Act 2020*.

Members must treat information they receive as confidential unless otherwise advised. The documents presented to Panel will often be in draft format and not ready for wider community distribution.

Members must not use confidential information other than for the purpose of performing their function as a member of the MDRP.

Draft documents cannot be referred to or used in any grant applications, presentations or in the private or working roles of members.

Panel advice will remain confidential unless there is a public request for release or if the proposal, is to be considered by the Future Melbourne Committee at formal lodgement stage. Sensitive personal, business or commercial information will be taken into consideration in these circumstances.

### **Media**

Panel members, including the Chair, Deputy Chair and City Architect, are not permitted to approach or speak to the media regarding projects considered by the Panel without the approval of the CEO. This includes conversations described as 'off the record'.

## 10 Financials

Panel member remuneration will be on a fixed fee basis, determined by the number of review sessions (maximum four reviews) they are required to attend. Remuneration will not be provided for induction or feedback sessions. The following fees exclude GST and include preparation time and travel costs (except in the case of remote or interstate panel members):

Panel member:           Up to but not exceeding \$1,000 per half day

The MDRP will be fully subsidised by the City of Melbourne.

# Appendices

## a. Principles of Good Design Review

As accords with Design Council's (UK) principles and practice for Design review, the ten principles of this Panel can be summarised as follows:

- 1. Independent**  
The MDRP Panel acts as an independent entity to provide impartial advice which is not influenced by the client, the responsible authority or the design team and is based principally on the design quality.
- 2. Expert**  
The Panel must comprise of a diverse range of individual experts who are highly competent in their fields and can appraise schemes objectively.
- 3. Timely**  
Review takes place as early as possible in the life of a design, ideally at the conceptual options stage. Panel sessions are also short, focused and written feedback communicated within a week.
- 4. Advisory**  
The Panel does not make decisions, but offers objective advice to decision-makers that will lead to improvement of schemes reviewed.
- 5. Consistent**  
The MDRP will consist of the same core panel members (not rotating) to provide additional confidence and clarity.
- 6. Effective**  
A Council led panel process that is focussed and relevant to the planning scheme and applied only where projects are significant enough to warrant the investment needed to provide the service.
- 7. Clear**  
Panel discussion and written findings must be clearly expressed in language that can broadly understood and used.
- 8. Objective**  
The expert advice given by the Panel is not influenced by personal taste but is in accordance with reasoned, objective criteria and supported by sound principles of good practice and relevant built project examples.
- 9. Transparent**  
Panel members should be prepared for scrutiny of their work and be transparent about any potential conflicts of interest.
- 10. For public benefit**  
The MDRP will be focused on supporting the delivery of high quality places, particularly the achievement of optimal outcomes for the public environment of our City.