

# Landcom Design Review Panel

## Charter

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## 1 Introduction

Landcom supplies home sites through the delivery of sustainable masterplanned communities and development projects, with a focus on expanding the stock of affordable and diverse housing. Landcom’s ambition is to make a positive difference in people’s lives across NSW by increasing the supply, affordability and diversity of housing and creating sustainable communities.

We recognise the important role of good design to achieving our ambition and we have established the Design Review Panel to help achieve superior design outcomes.

This Charter is the Terms of Reference for the Landcom Design Review Panel (DRP). It sets out the purpose, scope and operational arrangements of the Design Review Panel and the roles and responsibilities of Panel Members and Landcom Staff.

## 2 Purpose

- a. The Landcom DRP is established to provide Landcom with independent, expert and impartial design advice on our development projects in order to achieve good design outcomes across our project portfolio.
- b. The DRP demonstrates a clear commitment to good design at Landcom and review by the DRP is a requirement for Landcom’s self-assessment of affordable housing projects.
- c. The DRP advise on design by:
  - i. Providing consistent and independent review of the design elements of Landcom projects;
  - ii. Providing advice on how to balance environmental, social and economic objectives to achieve the best design outcome;
  - iii. Providing advice on how design quality may be applied to achieve Landcom’s affordable, diverse and universal housing targets and sustainability targets;
  - iv. Providing advice on how to address the design principles in Landcom’s Affordable Housing Design Guide (where applicable);
  - v. Providing advice on achieving Green Star certification (where applicable);
  - vi. Providing advice on how to prepare for external statutory design review processes; and
  - vii. Responding to any other design related requests made by the DRP Secretariat.

## 3 Defined Terms

| Term | Definition                            |
|------|---------------------------------------|
| CEO  | means Chief Executive Officer         |
| DRP  | mean the Landcom Design Review Panel. |

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| Term                | Definition  |
|---------------------|---|
| <b>Design Team</b>  | means the consultant team, including urban designer, architect and/or landscape architect engaged by the Project Team to provide design services for the project being presented to the DRP.                        |
| <b>EGM</b>          | means Executive General Manager. The Executive General Manager with oversight of the DRP is the EGM Communications & Strategy. The Executive General Manager with oversight of the Project Team is the Project EGM. |
| <b>Panel Member</b> | means an individual member of the Landcom Design Review Panel.  |
| <b>Project Team</b> | The Landcom Project Team that has responsibility for the project for which design advice is being sought from the DRP.  |
| <b>Secretariat</b>  | means Landcom Design Review Panel Secretariat. The role is carried out by the Housing Policy & Design Manager, within the Communications & Strategy Division.   |
| <b>Staff</b>        | includes the Board, the CEO, all permanent and temporary employees and contingent workers engaged by Landcom. This term is used for the purposes of this Charter.   |
| <b>SDRP</b>         | NSW State Design Review Panel   |

#### 4 NSW Protocols for design review

All DRP sessions and Panel Members comply with the following protocols:

- a. Advisory. The DRP does not make decisions, it offers impartial advice.
- b. Independent. Design review is conducted by people independent of any conflict of interest.
- c. Information about the Charter of the DRP including membership and funding are publicly available.
- d. Timely. Design review takes place as early as possible in the design development process, is scheduled within a reasonable time frame, and design advice is issued promptly.
- e. Expert. Panel Members are experienced and respected design professionals who can clearly communicate their analysis and feedback.
- f. Diverse. The DRP is representative of diverse professional design expertise, gender, cultural background and lived experience.
- g. Respectful. All parties behave with respect towards each other and within appropriate codes of conduct.
- h. Consistent. The advice received across subsequent DRP sessions is consistent. Panel Members remain the same across sessions or are well-briefed and respectful of previous advice.
- i. Objective. The DRP's feedback and analysis is objective, clear and constructive. It does not reflect the individual taste of panel members.
- j. Relevant. Design advice is relevant to the project stage, and scale, and Project Teams demonstrate a thoughtful and considered response to all advice.

- k. Accessible. Design advice, presentations and reports use language and drawings that are easily understood by Design Teams, Project Teams, the consent authority and the public.

## **5 Projects to be reviewed and timing**

- a. Projects that will be self-assessed under the State Environmental Planning Policy Amendment (Housing) 2023 (Housing SEPP) must be brought to the DRP for advice.
- b. Where a project is seeking Green Star certification, the DRP will review projects in accordance with Green Star design review requirements. The DRP will assist Landcom to meet the process and documentation requirements for a fully independent design review, as set by the Green Building Council of Australia under the appropriate rating tool chosen for a given project at the time. The DRP will be provided the relevant Green Star standards a project is being assessed against, and be guided through the process by Landcom or its appointed Green Star professional. Projects seeking Green Star accreditation must come to the DRP at least twice during a project's lifespan and specifically respond to feedback and suggestions provided by the DRP to satisfy credit requirements.
- c. Other triggers for DRP advice are summarised in Table 1. The exact timing and number of reviews may vary depending on the complexity of the proposal, and the business and project needs. Table 1 indicates the mandatory requirements, where relevant.
- d. Any exemption to a mandatory review requirement must be approved by the Project EGM and confirmed in an email to the DRP Secretariat. A reason for the exemption should be noted in the email. Reasons for exemptions should not include insufficient time or budget. Examples of acceptable reasons for exemption include when the DA applies to non-design matters such as bulk earthworks only, or Landcom has undertaken previous design excellence processes, or Landcom does not have influence over the detailed design..
- e. A Project Team may also seek advice from individual Panel Members outside of normal DRP meetings on matters such as, but not limited to:
  - i. Project design guidelines, to ensure these reflect the project vision/ objectives, relevant best practice design and Landcom priorities; and
  - ii. Design briefs for design consultants, to ensure the brief attracts proposals that include the right skills, experience, and design expertise to achieve the best results for project in line with the project vision /objectives.
- f. Where individual Panel Member advice is sought on a matter, an upper limit on the hours to be spent on providing advice must be agreed between the Project Team, DRP Secretariat and Panel Member, prior to work commencing.
- g. Where deemed appropriate by the DRP Secretariat and the DRP Chair, a copy of advice from an individual Panel Member should be circulated to the other Panel Members and/or a summary provided at the next DRP meeting.
- h. When a Landcom project is required to attend NSW State Design Review Panel (SDRP):
  - i. it must first attend the Landcom Design Review Panel;

- ii. the SDRP session must be scheduled a minimum of 6 weeks after the Landcom Design Review Panel to allow time for the project team to respond to advice from the DRP;
- iii. the SDRP secretariat will ensure that at least one of Landcom’s Panel Members is also one of the SDRP members;
- iv. Landcom will share Panel advice and design information with the SDRP Secretariat including:
  - The design team’s presentation to the Landcom DRP including drawings;
  - The Landcom DRP Advice sheet; and
  - The documented response to Landcom DRP advice, supported by drawings, where possible, or written explanation if necessary; and
- v. The above information shall be provided 1 week prior to the SDRP meeting date.

**Table 1 | Triggers for DRP review, focus of review, and timing**

| Project type                                    | Focus of review  | Timing/ number of reviews  |
|---|--|--|
| <b>Affordable housing (self-assessment)</b>     | <p>The Project Team must demonstrate how the development will achieve good design in accordance with the Goals and Principles set out in the Landcom Affordable Housing Design Guideline.</p> <p>For residential apartment development the Project Team must also demonstrate how the proposal addresses the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP, as well as the Apartment Design Guide.</p> <p>For seniors housing, the Project Team must also demonstrate how the development has considered the Seniors Housing Design Guide and the design principles for seniors housing set out in Schedule 8 of the Housing SEPP.</p> | <p><b>Mandatory</b></p> <p>At least twice, as set out in Landcom’s Guideline for self-assessment</p>   |
| <b>Precinct masterplans and concept designs</b> | <p>The DRP should have regard to:</p> <ul style="list-style-type: none"> <li>• Green Star design review requirements, if seeking Green Star certification;</li> <li>• Project vision/ objectives;</li> </ul>   | <p><b>Mandatory</b></p> <p>A project must attend the DRP at least once prior to lodgement of each Development Application (DA) or Planning Proposal (<b>pre-</b></p> |
| <b>Or</b>                                       |  |  |

**Built form that requires a Development Application (DA)**

- Relevant statutory design guidelines or principles;
- Landcom priorities;
- Local Council requirements; and
- Secretary's environmental assessment requirements (SEARs), if a State Significant Development Application.

**lodgement review**), unless otherwise agreed by the Project EGM.

Attendance may include or be in addition to attendance for Green Star certification.

**Optional**

Projects are encouraged to attend more than once prior to each Development Application or Planning Proposal. Ideally, once when the design is at concept stage and again when the design is around 75% resolved.

A project may also attend the DRP to:

- Seek advice on how to address comments from the consent authority or planning proposal authority (**response to statutory comments**); and/or
- Provide an update on the outcome of a Development Application or Planning Proposal (**project summary**)

**Any large piece of infrastructure e.g. bridge, park, public asset, library**

- The DRP should have regard to:
- Project vision/ objectives; and
  - Landcom priorities.

**Optional**

A project may attend the DRP to:

- Seek advice on pre-DA designs (**pre-lodgement review**)
- Seek advice on how to address comments from the consent authority (**response to statutory comments**); and/or
- Provide an update on the outcome of a DA (**project summary**).

**Other**

- Determined by Project Team

A project may attend the DRP when complex design issues have been identified.

## 6 Roles and responsibilities

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

### 6.1 Design Review Panel

#### 6.1.1 Panel Members

- a. The DRP is advisory only and does not have a decision-making function.
- b. Panel Members are appointed by the Landcom CEO and contracted to supply advisory services.
- c. The DRP consists of five (5) expert members, selected by Landcom and endorsed by the Government Architect NSW comprising a cross-section of built environment design professionals working across NSW and nationally.
- d. Panel Members will be bound by Landcom Code of conduct for Suppliers.
- e. The key skills required for the DRP are:
  - i. Urban design;
  - ii. Landscape architecture;
  - iii. Architecture; and
  - iv. Sustainable and resilient design.
- f. In addition to the skill and expertise requirements, each member will also have significant experience working on private and/or public land development projects.
- g. Each Panel Member's tenure will be for a period of either two (2) or four (4) years. The tenure of panel members will be staggered so that the panel membership is partially reviewed every two (2) years. The tenure period may be extended by Landcom for up to a further two (2) years,
- h. Additional Panel Members may be recruited as required, including specialist experts where the complexity or nature of the proposal warrants specialist evaluation to support the DRP's consideration. Specialist areas may include:
  - i. Open space and green infrastructure;
  - ii. European heritage;
  - iii. Aboriginal cultural heritage design;
  - iv. Urban or Strategic planning
  - v. Transport planning - road, public, active and accessibility;
  - vi. Public art; and/or
  - vii. Services engineering.
- i. All Panel Members are required to:
  - i. Attend meetings having familiarised themselves with all information provided one week prior to the meeting and prepared initial queries or comments in advance, to enable effective use of the session time;



- ii. Provide advice in a manner that is consistent with the DRP design review protocols (see section 4) and focus of the review (see Table 1); and
- iii. Treat all discussions and information with sensitivity and confidentiality (see **Section 10**).
- j. Panel Members will be scheduled for 12 months of meetings in advance. If not required, meetings will be cancelled at least one week in advance. Panel Members must advise the Secretariat in advance (at least two business days prior) if they will not be able to attend.
- k. Panel Members must act lawfully and with honour, integrity and professionalism.
- l. Without limiting the above, Panel Members who have a pecuniary or non-pecuniary interest in any matter with which the DRP is concerned, must disclose the nature of the interest as soon as practicable and for inclusion in the register of member declarations, interests and associations.
- m. The Panel Member must declare the interest to the meeting and advise if they believe it represents a conflict of interests. The Chair and Executive General Manager with oversight of the DRP will determine if the interest presents a conflict of interest. Where an interest is considered significant the Panel Member will not participate for the relevant agenda item.
- n. Panel Members may escalate any concerns directly to the Landcom CEO.

### **6.1.2 Panel chair**

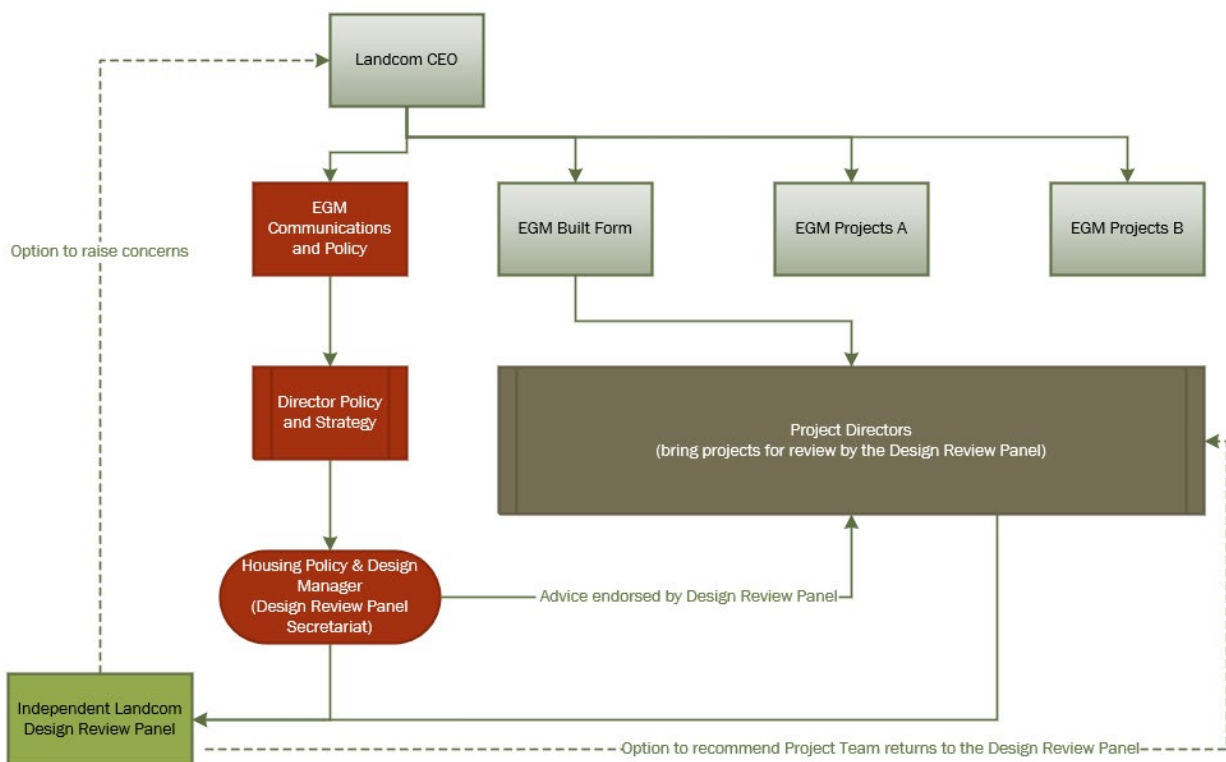
- a. The Chair is responsible for:
  - i. Ensuring meetings are run effectively with support of the Secretariat;
  - ii. Advising if they consider a declared interest represents a conflict of interest (see **Section 8**);
  - iii. Clarifying and summarising the DRP's comments during the DRP session; and
  - iv. Reviewing and endorsing of Advice sheets that provide final DRP advice to Project Teams.
- b. The Chair will preside at every meeting of the DRP unless they are unavailable, in which case they will nominate another member, in advance, to chair the meeting. Such nomination must be notified to the Secretariat before a meeting.

## **6.2 Landcom**

### **6.2.1 Secretariat**

- a. Landcom provides Secretariat support for the DRP. The Secretariat:
  - i. Convenes DRP meetings;
  - ii. Establishes the agenda for each meeting;
  - iii. Oversees meeting protocols in consultation with the DRP;
  - iv. Provides the DRP with a pre-briefing for each project agenda item, to raise any identified issues for DRP consideration;
  - v. Prepares draft Advice sheets for review by the Chair and endorsement of DRP;

- vi. Maintains a register of member declarations, interests and associations;
  - vii. Tracks Project Team responses to DRP advice in an ongoing record of advice and responses;
  - viii. Is responsible for communication with the DRP, and between DRP and Landcom Staff; and
  - ix. Distributes meeting papers (including finalised project drawings and reports) a minimum of five working days before the meeting.
- b. The Secretariat reports to separate Executive leadership from the Project Teams.



Indicative diagram showing separate reporting lines for DRP Secretariat and Project Teams, this separation will be retained through any organisation structure changes to ensure independence.

- c. The Secretariat tracks Project Team reports responses to advice in an ongoing record of advice and responses. If the DRP is not satisfied that advice has been adequately addressed, the DRP or Secretariat may recommend the Project Team returns to the DRP.

### 6.2.2 Project Teams

- a. For projects that are self-assessed, obligations for addressing the DRP’s advice are set out Landcom’s Guideline for self-assessment.
- b. Project Teams undertaking Green Star rating review will have due regard to the design review advice.

- c. For all other projects and review types, Project Teams are strongly encouraged to document how they have responded to the advice of the DRP.
- d. Project Teams will manage their design consultants to consider documents that outline relevant best practice design principles and Landcom priorities listed in Appendix A and provide content for the review packs, be present at the review meetings and provide content to the reports.

## **7 Meeting protocols**

### **7.1 Frequency**

- a. Meetings generally occur 11 times per year (February to December), subject to project needs. Landcom may reduce or increase the frequency, date, length and structure of the meetings at any time.
- b. Landcom may introduce guidelines for DRP meetings from time to time to be reviewed and endorsed by Panel Members.
- c. Landcom may request the DRP participate in site visits or workshop forums as an alternative to meetings or in addition to meetings, subject to project needs.
- d. Landcom may call an extraordinary meeting as required.

### **7.2 Meeting structure**

- a. The Chair will preside at every meeting of the DRP unless they are unavailable, in which case they will nominate another member, in advance, to chair the meeting. Such nomination must be notified to the Secretariat before a meeting.
- b. Agendas will include the following standard items:
  - i. Meeting start and end times;
  - ii. Acknowledgement of Country;
  - iii. Attendance;
  - iv. Apologies;
  - v. Register of member declarations, interests and associations;
  - vi. Secretariat pre-briefing for all projects on the agenda (to take place without the project teams);
  - vii. Projects for review;
  - viii. Forward program (for noting); and
  - ix. Endorsement of Advice sheets.
- c. Project agenda items will be structured as follows:
  - i. Short project introduction by the Project Team;
  - ii. Presentation of the proposal by the Design Team (with optional participation of the Project Team);
  - iii. DRP questions, or points of clarification, and project or Design Team responses;

- iv. DRP advice;
  - v. Reply by Project Team; and
  - vi. Summary of advice.
- d. On request, Landcom Staff may attend the meeting as observers and will be recorded in the attendance list.

### **7.3 Quorum**

- a. Review sessions will typically be attended by four Panel Members and the Chair, with a minimum quorum of two Panel Members and the Chair, including at least one architect/urban designer.

### **7.4 Meeting briefing pack**

- a. The Project Team should provide the following information for each meeting. This can be varied to suit the project phase, at the discretion of the DRP Secretariat and Chair:
  - i. Connecting to Country approach;
  - ii. Key planning considerations;
  - iii. Site plan;
  - iv. Site analysis;
  - v. Landscape plan;
  - vi. Building floor plans;
  - vii. Elevations;
  - viii. Sections;
  - ix. Apartment plans (where applicable);
  - x. Street details (ie, sections and plans)
  - xi. Options analysis (where applicable);
  - xii. Development schedule (including gross floor area, nett saleable/lettable area, dwelling numbers, bedroom no. mix, dwelling numbers of affordable, diverse and universal housing);
  - xiii. Compliance summary (key planning requirements vs. proposed requirement (including FSR, building height, setbacks, communal open space, landscape space, deep soil, tree coverage);
  - xiv. Where significant departures from planning controls are proposed, provide drawings that demonstrate how the departure(s) provide benefits over a compliant scheme;
  - xv. In the case of affordable housing projects that are being self-assessed, demonstration the proposed development has considered the goals and principles of the Landcom Affordable Housing Design Guideline and other relevant design requirements in the Housing SEPP;
  - xvi. Green Star requirements (where applicable); and

- xvii. Revised and developed designs responding to all previous DRP advice (for second and subsequent reviews).

## **8 Post meetings**

### **8.1 Advice**

- a. DRP Advice is numbered, reviewed by the Chair for endorsement by the Panel at the following meeting.
- b. Advice sheets also record the date of the meeting, attendees, agenda items and any other matters the Secretariat considers should be recorded.
- c. Draft Advice sheets are issued by the Secretariat to the relevant Project Team and Project EGM 10 business days after the meeting.
- d. Final Advice sheets will be provided by the Secretariat to the relevant Project Team, Project EGM and meeting attendees following endorsement at the subsequent DRP meeting.

## **9 Conflicts of interest**

- a. The register of member declarations, interests and associations is a standing agenda item and requests will be made to update it on a regular basis.
- b. Landcom's *Code of conduct - Conflict of Interest* guides the management of these matters.

## **10 Confidentiality**

- a. All information relating to the DRP is communicated to the Panel Members and meeting attendees in the strictest confidence.

## **11 Payment of Panel Members**

- a. All Panel Members will receive \$350 (excluding GST) per hour.
- b. Chargeable hours are:
  - i. One hour preparation before a meeting for each project being reviewed;
  - ii. Meeting attendance, generally 3 hours:
    - > If less time is required for a meeting the minimum charge will be two hours;
    - > If more time is required the chargeable amount will align to the meeting length as recorded by the Secretariat;
- c. If a Panel Member is requested to participate in other services such as site visits, workshops or meetings, timing and cost will align to the hourly rate and be agreed before the event takes place.

- d. The Chair, or their replacement, will receive an additional fee equating to a maximum of three hours for combined preparation before the meeting and reviewing of Advice sheets following the meeting.
- e. Travel times, car parking or other costs are not chargeable. Car parking is not provided by Landcom.
- f. No additional costs will be paid unless agreed and quantified by Landcom.
- g. If business needs mean a scheduled meeting is not required, no fee is payable.
- h. A Panel Member must submit claims for payment in accordance with the contract.

## 12 Review of the Design Review Panel and Charter

- a. This Charter may be reviewed from time to time by Landcom and every two years, with input, review and endorsement from GANSW.
- b. The DRP may be reviewed from time to time to ensure its scope, structure and operation is meeting the business needs of Landcom.
- c. Panel Members can provide the Secretariat with suggested methods to enhance its effectiveness for consideration by Landcom.

### Document Control Table

| Document information                                 |                                 |
|--|---------------------------------|
| Document approver                                    | Chief Executive Officer         |
| Document owner name                                  | EGM Communications & Strategy   |
| Document delegate name                               | Housing Policy & Design Manager |
| Document version number                              | 2.1                             |
| Reviewed and endorsed by<br>Government Architect NSW | 26/07/2024                      |
| Document version date                                | 29/07/2024                      |
| Document review cycle                                | Every two years                 |
| Next document review date                            | February 2026                   |
| Document location                                    | External use                    |
| Document level                                       | 2 = CEO approved document       |

| Guidance Reference List |   |
|-------------------------|---|
| Linked documents        | Landcom Code of Conduct for Supplier<br>Landcom Conflict of Interest Policy |
| Linked legislation      | <i>Landcom Corporation Act 2001</i> - specifically the objects of the Act;  |

### Guidance Reference List

*Environmental Planning and Assessment Act 1979;*  
State Environmental Planning Policy (Housing) 2021;  
State Environmental Planning Policy (Sustainable Buildings) 2022  
(Sustainable Buildings SEPP); and  
Relevant Local Environmental Plans and Development Control Plans.

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### Revision history

| Version | Approval date | Author         | Description   |
|---------|---------------|----------------|---|
| 1.0     | 04/06/2018    | Jennifer Gavin | Design Advisory Panel Charter   |
| 1.1     | 14/09/2020    | Anna Bardsley  | Terms of Reference updated following regular review including renaming to Design Review Panel   |
| 2.0     | 06/02/2024    | Janet Chappell | Retitled as a Charter, additional member and terms added to provide self-assessment of certain Affordable Housing projects; Green Star rating review and other clarifications following regular review of DRP function and to support endorsement by Government Architect NSW |
| 2.1     | 29/07/2024    | Janet Chappell | Additional guidance (see 5h) for projects attending NSW State Design Review panel   |

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## Appendix A: Guidance documents

### State Policy:

- Better Placed, Government Architect NSW;
- Biodiversity in Place, Government Architect NSW;
- Connecting with Country; Government Architect NSW;
- Greener Places, Government Architect NSW;
- City Plans and Region Plans;
- Apartment Design Guide;
- Seniors Housing Design Guide; and
- Design guides for low-rise housing diversity.

### Legislation and planning instruments:

- *Landcom Corporation Act 2001* - specifically the objects of the Act;
- *Environmental Planning and Assessment Act 1979*;
- State Environmental Planning Policy (Housing) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP); and
- Relevant Local Environmental Plans and Development Control Plans.

### Landcom Documents:

- Landcom policy and strategies including Sustainable Places Strategy and Housing Policy;
- Landcom Connecting with Country Framework;
- Landcom Guideline for self-assessment;
- Landcom Affordable Housing Design Guide;
- Landcom templates for design review; and
- The Landcom Way.

### Design Review Guidelines:

- Green Star Communities, Landcom's chosen accreditation mechanism;
- Local Government Design Review Panel Manual (GANSW);
- Evaluating Good Design (GANSW); and
- State Design Review Panel Guidance documents.