

Town of Cottesloe Design Review Panel

Terms of Reference

The role of design review in the planning system

Integrating design review into the planning system is a key component of the implementation and operation of State Planning Policy 7.0 Design of the Built Environment, as well as the State's 'Better Places and Spaces: a policy for the built environment in Western Australia' (adopted 2013).

Good design should be indivisible from good planning if better buildings and places are to result.

State Planning Policy 7.0 Design of the Built Environment includes performance-based design principles, which provide a guide to achieving good design, and the means for evaluating the merit of proposed solutions through design review, which uses professionals with appropriate levels of design expertise.

Performance-based design principles identify the objectives to be met without prescribing how to achieve them. Design review is an essential component of this approach, as qualitative assessment is required to determine whether the required performance outcomes have been achieved in a given proposal.

This approach provides flexibility for developers to deliver improved project and site-specific outcomes as well as benefits for the broader community. It provides latitude for skilled and experienced designers to pursue innovative solutions. It also offers the opportunity for efficiency, allowing for solutions to be considered collaboratively, and generally enabling a smoother determination phase following the submission of an application. Skilled and experienced designers, working collaboratively with expert reviewers, typically require fewer design reviews.

10 principles of effective design review

For design review to be effective, it must be resourced appropriately and conducted in a manner that is fair, robust and credible. The following 'best practice' principles of design review should be used to guide the review process and set an appropriately high standard of conduct from panel members.

Design review should be:

Independent - It is conducted by people who are not connected with the proposal's promoters and decision-makers and ensures that conflicts of interest do not arise.

Expert - It is carried out by suitably trained people who are experienced in design and know how to critique constructively. Review is usually most respected when it is carried out by professional peers of the project designers, because their standing and expertise will be acknowledged.

Multi-disciplinary - It combines the different perspectives of architects, urban designers, planners, landscape architects, engineers and other specialist experts to provide a complete, rounded assessment.

Accountable - The Design Review Panel, and the advice that it provides to the local government (or other approval authority) must be clearly seen to work for the benefit of the community.

Transparent - The Design Review Panel's remit, membership, governance processes and funding should always be in the public domain.

Proportionate - It is used on projects whose significance (either at local or State level) warrants the investment needed to provide the service.

Timely - It takes place as early as possible in the design process, because this can avoid a great deal of wasted time. It also costs less to make changes at an early stage.

Advisory - The Design Review Panel does not make decisions, but it offers impartial advice that informs recommendations to the people who do.

Objective - It appraises proposals according to measures that are reasoned and objective, rather than the stylistic tastes of individual panel members.

Accessible - The recommendations arising from design review are clearly expressed in terms that design

teams, decision-makers and the community can all understand and make use of.

Role description

The role of a Design Review Panel (DRP) is to provide independent, impartial, expert design advice:

- to proponents and local government officers on the design quality of proposals
- to decision-makers (State and local governments, Development Assessment Panels, the State Administrative Tribunal) on eligible development applications or other proposals
- to local governments, where requested, on strategic policy, master plans, precinct plans, local development plans, structure plans, activity centre plans, local planning schemes and amendments or other matters

Reviews will be undertaken in accordance with the model process outlined in the State's ***Design WA: Design Review Guide***.

The 10 Design Principles from the State Planning Policy 7.0 Design of the Built Environment will be used as the basis for design review.

Status of advice

Design Review Panels are advisory only and do not have a decision-making function. The panel advises on the design quality of proposals with reference to design principles (from SPP7.0, refer to Part 4) and supporting State Planning Policies, as well as local planning schemes and policies. Decision-makers shall have due regard to the design review advice and recommendations in their deliberations.

For continuity between design review and local government and Development Assessment Panel assessment procedures, the Design Review Panel Chair may be requested to brief decision makers either through preparation of a briefing note or attendance at a meeting. Where a matter is referred to the State Administrative Tribunal for review, the panel Chair may also be required by the Tribunal to attend proceedings.

Governance

The Design Review Panel is an independent, advisory panel funded by the local government.

The local government will be responsible for the establishment, operation and management of the DRP. Dedicated DRP support will exist within the local government for this purpose.

Panel management and support

The local government will provide panel support to manage the scheduling, preparation, coordination, reporting and monitoring of Design Review Panel meetings.

Panel support will provide notice of the agenda and meeting times. To enable preparation by panel members, relevant material will be issued to the panel a week prior to the design review meeting.

DRP meetings will be held at the local government civic centre.

DRP support will issue reporting to proponents within 10 working days of the meeting.

Membership

Local governments should ensure that the panel includes members with expertise in one or more of the following disciplines:

- Architecture (essential)
- Landscape architecture (essential)
- Urban design (essential)
- Heritage
- Sustainability and environmental design
- Services engineering
- Accessibility

- Transport planning
- Planning
- Public art
- Civil and/or structural engineering

While local knowledge is useful, a balance between locals and expertise from outside the local government area should be sought in order to optimise the range and calibre of skills available. All Design Review Panel members should be eligible for registration and maintain good standing with their respective professional bodies.

To be independent and apolitical, the local government should not appoint decision-makers, its own elected members or officers to its Design Review Panel. However, key local government planning (and other) officers should participate in all design reviews in an advisory capacity and to provide administrative and governance support.

Proposals for review

Proposals eligible for design review should include:

- proposals that are significant because of their size or the uses they support
- proposals that are significant because of their site or location
- proposals that are significant because of their community impact

The Design Review Panel is to provide impartial architectural and design advice on:

- proposals including a building that is three storeys or greater in height (above natural ground level)
- proposals with [LG to nominate] or more multiple dwellings (apartments)
- proposals of [LG to nominate] or more grouped dwellings
- proposals that meet the mandatory requirement to be determined by the Joint Development Assessment Panel
- any other proposal referred to the panel by the Director of Planning
- any relevant scheme amendment, activity centre plan, structure plan, policy, precinct plan, local development plan or design guidelines referred by the Director of Planning

Please refer to the ***Design WA: Design Review Guide*** (7.5 Design review threshold table) for additional guidance on the sorts of proposals recommended for review by a Design Review Panel.

Timing and number of reviews

The number of reviews needed will vary depending on the complexity of a proposal; however three reviews are typically needed for the process to be effective.

Design reviews should occur before a development application is submitted. It is strongly recommended that the first design review takes place during the **concept design stage** to ensure that proponents can take advantage of the advice offered at a time where the design is flexible enough to accommodate change without impacting on time and cost constraints. A subsequent review should typically occur at a stage when the design has been further progressed. Depending on the outcome of the initial meeting, this review session will typically occur during **design development** or prior to the proposal being submitted for development approval (**Pre-DA stage**).

At **building permit stage** (after development approval) it is suggested that a check takes place by the Design Review Panel Chair or delegate, to ensure that the design quality of the proposal is consistent with the approved development application and any relevant conditions related to design quality.

SPP7.0 Design Principles

State Planning Policy 7.0 Design of the Built Environment (SPP7.0) outlines a set of performance-based design principles. These principles establish a broad definition of 'good design' and form the basis of design review consideration.

Context and character

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.

Landscape quality - Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.

Built form and scale - Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

Functionality and build quality - Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.

Sustainability - Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.

Amenity - Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.

Legibility - Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.

Safety - Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.

Community - Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.

Aesthetics - Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

Refer to Design WA State Planning Policy 7.0 Design of the Built Environment for the Design Principles in full.

Design Review Panel appointment

Suitable candidates will be recruited through an appointment process, which includes:

- public advertising seeking formal Expressions of Interest (EOI)
- consideration of EOIs by an appropriate selection panel
- an interview process, if required, to confirm appropriate design review expertise
- a report with recommendation/s for appointment presented to the Chief Executive Officer

Following completion of the selection process, all details of the appointment will be confirmed in writing and a member induction will be scheduled.

The term of office for a panel member shall be two years and run concurrently with the Council election cycle. Council may appoint a pool of suitable persons to serve on the Panel however each Design Review Panel meeting shall comprise a maximum of six members.

A person who is currently employed by, or who is an elected member of the local government, is not eligible for appointment as a member of the panel. All panel appointments are endorsed by Council.

Panel roles and responsibilities

All panel members are required to:

- provide independent, fair and reasonable professional advice relative to the SPP7.0 Design Principles and relevant State and local policies and schemes
- treat all discussions and information about applications with sensitivity and confidentiality
- respond to and comment on material presented, providing clear and constructive feedback
- disclose any actual or perceived conflicts of interest in writing for the record. Where an interest exists, the member must:
 - disclose the interest to the Chair as soon as possible, and before the meeting to ensure there is a quorum for all items
 - if the interest is a pecuniary interest, the member must not take part in the consideration or discussion of the matter

All disclosures of interest will be recorded in the panel meeting notes.

Panel Chair

The panel Chair is primarily tasked with running panel meetings and is responsible for:

- liaising with the nominated local government officer about the operation of the panel including advice regarding additional briefing material or requirements
- ensuring new members have been inducted and are briefed about panel operations,
- ensuring that the meeting agenda is followed
- welcoming and introducing the panel, proponents and any observers present in the meeting
- facilitating interactive discussion and participation of all Design Review Panel members, key local government attendees and proponents, enabling solutions to be brokered collaboratively
- ensuring that discussions remain focussed on the application being considered and that advice relates to matters covered by the SPP7.0 Design Principles, relevant State and local policies and schemes
- ensuring consistency of panel advice between reviews
- summarising the consensus view of the panel at the conclusion of the meeting
- endorsing the final design review report or meeting minutes post meeting
- briefing decision-makers on panel advice when required

Remuneration

Members will receive standard professional rates up to a maximum of three hours review time, plus one hour of preparation.

The Chair will receive an above-standard fee due to the additional responsibility of the role, plus preparation, time spent advising and editing reporting as needed, and time spent on additional briefings.

Where a member of the panel is requested to appear on the local government's behalf as an expert witness at the State Administrative Tribunal, the member is to be paid at a mutually agreed hourly rate consistent with the qualifications, experience and professional status of the member.

Meeting procedures

Quorum and attendance

The local government will issue notice of a Design Review Panel meeting to all appointed panel members.

It is recommended that all members review the proposed agenda and advise the local government as soon as possible of:

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

A Design Review Panel meeting may not proceed unless a quorum comprising a minimum of four members is present. If a quorum cannot be achieved for all or part of the meeting, the local government will contact suitable members from the pool in accordance with the procedure adopted by that local government for those circumstances. If a quorum cannot be achieved, the meeting cannot proceed and should be re-scheduled.

It is important to optimise the consistency of the panel and advice particularly across subsequent reviews for the same proposal. The local government may replace panel members who are regularly unavailable for meetings.

Observers

Design review meetings should be closed to members of the public as information discussed can be commercially confidential. Persons who may later be required to consider and determine an application that is undergoing design review should not attend panel meetings in order to preserve the transparency and integrity of the planning decision making process.

Local governments are encouraged to allow planning and other officers to attend review sessions as observers, as it can offer valuable training on design quality considerations, familiarity with the design review process and an understanding of how it can benefit a range of projects.

Site inspection

Panel members should be familiar with each site on the agenda prior to the meeting. A site visit may be arranged if considered necessary by the local government or panel Chair.

Panel member preparation

Where an application has already been submitted prior to referral to the panel, an initial officer assessment will be undertaken, the results of which will be provided to the panel as part of the agenda preparation process.

It is expected that panel members will familiarise themselves with all information provided prior to the meeting and prepare comments in advance, to enable effective use of session time. If additional information is required prior to the meeting, a request should be submitted to the local government in accordance with the procedures advised during the induction.

Frequency of meetings

Meetings will generally be held on quarterly/monthly/fortnightly, but can be scheduled at the any time in response to urgent matters. Advice of a scheduled meeting, the agenda and information associated with each proposal shall be provided to panel members one week prior to the intended meeting date.

Agenda

The agenda for each meeting (along with submitted drawings and other relevant documentation) will be circulated to all panel members and meeting attendees at least one week prior to the meeting.

Meeting agendas should not exceed three hours.

Code of Conduct

All panel members are required to abide by the local government's Code of Conduct.