

# CITY OF ARMADALE

## AGENDA

**OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 15 APRIL 2024 AT 7.00PM.**

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*A meal will be served at 6:15 p.m.*

**PRESENT:**

**APOLOGIES:** Cr K Busby (Leave of Absence)

**OBSERVERS:**

**IN ATTENDANCE:**

**PUBLIC:**

*“For details of Councillor Membership on this Committee, please refer to the City’s website – [www.armadale.wa.gov.au/your\\_council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”*

## **DISCLAIMER**

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The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read.

## **DECLARATION OF MEMBERS' INTERESTS**

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## **QUESTION TIME**

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*Public Question Time is allocated for the asking of and responding to questions raised by members of the public.*

*Minimum time to be provided – 15 minutes (unless not required)*

*Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>*

*It is also available in the public gallery.*

*The public's cooperation in this regard will be appreciated.*

## **DEPUTATION**

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## **CONFIRMATION OF MINUTES**

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## **RECOMMEND**

**Minutes of the Development Services Committee Meeting held on 18 March 2024 be confirmed.**

## **ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 3 - MARCH 2024**

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*If any of the items listed in the Information Bulletin – Issue 3 – March 2024 require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.*

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## DEVELOPMENT SERVICES COMMITTEE

15 APRIL 2024

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**\*\*1.1 - PROPOSED MINOR AMENDMENT TO LOCAL PLANNING POLICY PLN 3.13  
- DESIGN REVIEW PANEL**

WARD : ALL  
FILE No. : M/181/24  
DATE : 26 March 2024  
REF : GW  
RESPONSIBLE : Executive Director  
MANAGER : Development Services

**In Brief:**

- A review of Local Planning Policy PLN 3.13 – Design Review Panel has highlighted a need to clarify the process to appoint Design Review Panel (DRP) members, expand membership and increase term limits.
- Recommend that Council adopt minor amendments to Local Planning Policy PLN 3.13.

**Tabled Items**

Nil.

**Decision Type**

- Legislative**                      The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive**                              The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial**                      The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

- 2.5.1 Ensure the City's planning framework is modern, flexible, responsive and aligned to achieving the outcomes of the Strategic Community Plan and Corporate Business Plan.
- 2.5.6.1 Implement the City's Design Review Panel.

**Legal Implications**

*Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
*Town Planning Scheme No.4*

**Council Policy/Local Law Implications**

Minor amendment to PLN 3.13 proposed.

### **Budget/Financial Implications**

An adequate budget is set aside in the 2023/2024 and 2024/2025 financial year and the four (4) year budget for the operation of a Design Review Panel.

### **Consultation**

City Legal.

### **BACKGROUND**

Local Planning Policy PLN 3.13 – Design Review Panel (PLN 3.13) outlines the administrative and operational requirements of the City’s Design Review Panel (DRP).

The City’s DRP has been operating well since inception in 2020 and is comprised of up to eight (8) suitably qualified professionals made up of four categories:

- Category A - Built Form Architecture (2 members)
- Category B - Town Planning & Urban Design (2 members)
- Category C - Landscape Architecture (2 members)
- Category D - Heritage Architecture (2 members)

Members of the panel are currently appointed by Council for a maximum term limit of 2 years under *Clause 4.2.3.6 (Terms of Office)* of PLN 3.13, which reads as follows:

- a) *The term of appointment for any new member of the Panel shall be up to two (2) years.*
- b) *A member may be nominated for re-appointment upon the expiry of their term.*
- c) *Should a vacancy occur during the term of office, the process to fill the casual vacancy will follow the normal process of appointment.*

The current members/panel is due to expire on 27 June 2024.

As the process of appointment is not clearly defined in PLN 3.13, the City should advertise and reconvene a new panel every 2 years by way of Registration of Interest (ROI). Submissions from the ROI are evaluated by officers in accordance with qualitative criteria outlined in PLN 3.13 then referred to Council for final appointment of DRP members. Each DRP member is engaged in accordance with the Terms of Reference under PLN 3.13 and the City’s *General Conditions for Goods and Services*.

Members are paid an hourly sitting fee for attendance at a Design Review Panel (minimum of one hour to a maximum of three hours per sitting). The current sitting fee is a maximum of \$250.00 per hour, which was established 4 years ago based on the duration of the meeting and review of the documents in accordance with PLN 3.13 Design Review Panel. Based on a review of the fees set by other Local Governments, the number of years the sitting fee has remained the same and that the City needs the Design Review Panel to remain competitive, the sitting fee should increase to a maximum of \$275 per hour.

A review of PLN 3.13 has identified a need to clarify the process, which also provides an opportunity to streamline the appointment of members under delegated authority.

## DETAILS OF PROPOSAL

This report proposes minor amendments to Local Planning Policy PLN 3.13 by:

1. Increasing the maximum number of members from eight (8) to twelve (12) (from 2 to 3 DRP members for each category) under Clause 4.2.3.3 (Membership), sub clause (a) to enable a larger pool of experts for the City to drawn upon as necessary and accommodate periods of leave availability of members;
2. Clarifying the process by which DRP members are to be appointed upon expiration of term limits under *Clause 4.2.3.3 (Membership), sub clauses (d) and (e)* by way of ROI and expressly authorise the Executive Director Development Services to appoint members;
3. Expanding the maximum term limits of DRP members from 2 to 3 years under *Clause 4.2.3.6 (Terms of Office), sub Clause (a)*.

In order to streamline and expedite the appointment of DRP members upon expiration of term limits, it is proposed that Council delegate this function to the Executive Director Development Services. DRP have become part of the City's normal operations for Planning Services.

## COMMENT

### *Appointment Process*

Clause 4.2.3.4 of PLN 3.13 provides the Chair of the DRP (*Executive Director Development Services or nominated Manager from Planning Services*) with the authority to 'select' Panel members to undertake a review of a development or structure plan proposal from the established DRP. However, the Policy is silent on the appointment process which is a function of the Local Government (Council) under *Schedule A (Supplemental Provisions to the Deemed Provision), Clause 60(a) of Town Planning Scheme No. 4*, which reads as follows:

*Clause 60(a) The Local Government may appoint a Design Review Panel for the purposes of considering and advising the Local Government with respect to applications and/or planning documents.*

The City's Legal Services recommended that PLN 3.13 be updated to clearly set out the appointment process and reference the authority to appoint accordingly. City's Legal Services advised that PLN 3.13 could be amended to allow the Executive Director Development Services to appoint members to the DRP, if expressly authorised by Council.

Given the administrative nature of appointments and noting that officers currently evaluate prospective members in accordance with the qualitative criteria outlined in PLN 3.13, it is considered appropriate for the Executive Director Development Services to undertake this function as reflected by the proposed amendments. It is noted that the total costs of the DRP are within Budget allocations and tender thresholds for delegation. This proposal will ensure the timely appointment of members upon expiration of term limits and enable the continued smooth operation of the DRP panel in accordance with PLN 3.13.

### *Maximum number of members*

Clause 4.2.3.3 (Membership), sub clause (a) of PLN 3.13 currently restricts the total maximum number of members to eight (8), which compromises 2 members for each of the 4 categories of expertise. In order to provide a larger pool of experts to draw from in times of absence and to diversify membership, given the wide range of types of development applications the city receives, it is recommended that the maximum number be increased from eight (8) to twelve (12) members. This will provide for up to 3 members per category, as necessary.

### *Term Limits*

Clause 4.2.3.6 (Terms of Office), sub Clause (a) currently limits the appointment of DRP members to a maximum of two (2) years. To provide greater certainty and reduce the administrative burden of dissolving the DRP every 2 years, it is considered reasonable to extend the maximum term from 2 to 3 years. Typically, and for comparison purposes, it is generally common practice to appoint such positions for 2 years with an option to extend for an additional year under normal contract arrangements.

## **ANALYSIS**

### *Procedure for Amending a Local Planning Policy*

*Schedule 2 (Deemed Provisions), Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015* outlines the procedure for amending local planning policies. This procedure states that the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment. The remaining procedure requires Council's adoption of the policy amendment and publishing a notice in a newspaper circulating in the district.

The proposed amendments clarify the administrative process for appointment of DRP members and expands the terms limits by 1 year (maximum 3 years). Such amendments are considered minor given the administrative nature of the proposed changes that do not materially alter the policy, and therefore public advertising is not required.

## **OPTIONS**

1. Council could resolve to adopt minor amendments to the policy referred to above and publish a notice in the newspaper as required by the procedure for amending a Local Planning Policy.
2. Council could choose not to adopt minor amendments to the policy.

## **CONCLUSION**

The proposed minor amendments to PLN 3.13 will provide additional clarity and streamline the appointment process of DRP members upon expiration of term limits.

It is recommended that Council resolve to adopt the Local Planning Policy amendment in accordance with Option 1 above.

## **RECOMMEND**

### **That Council:**

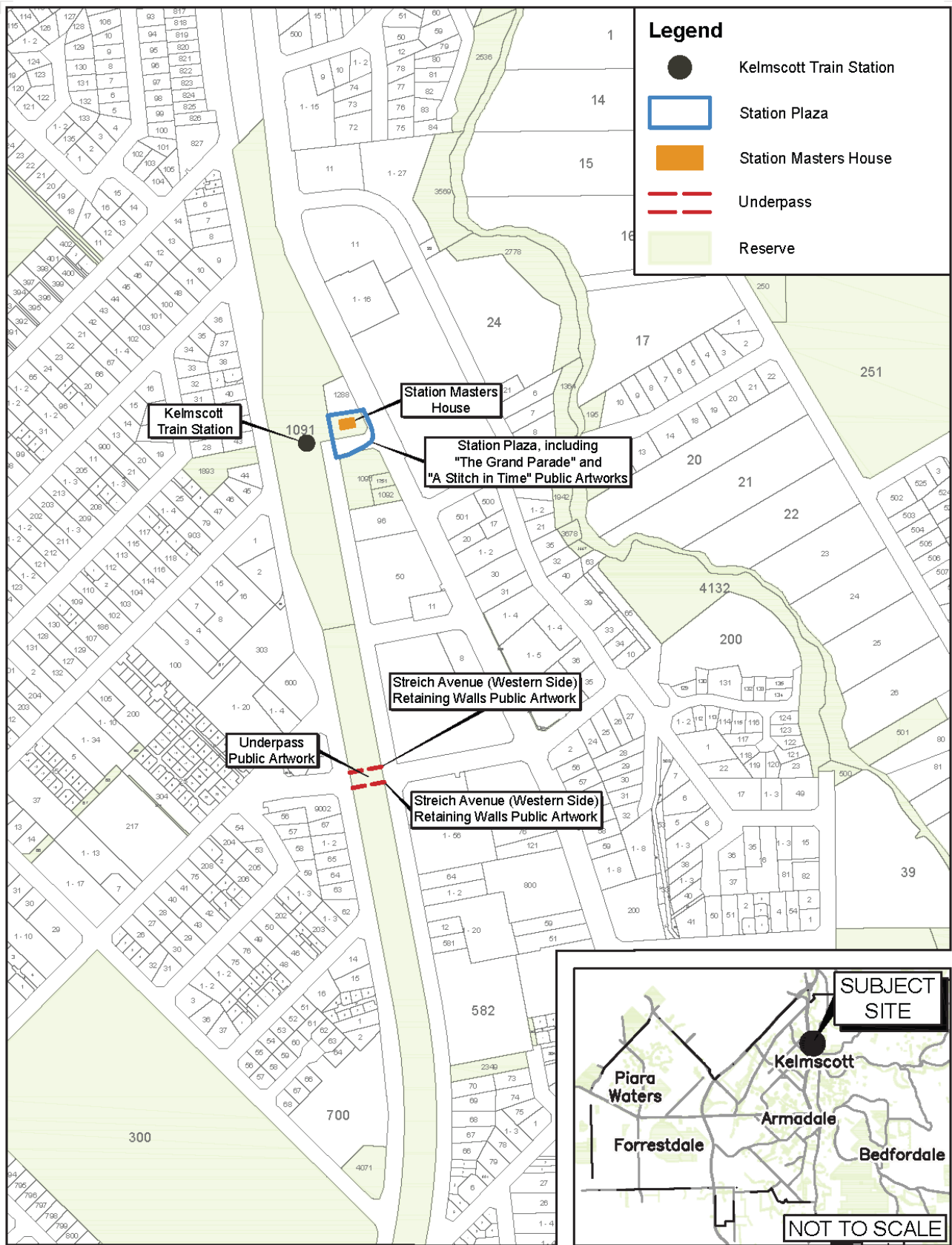
- 1. Adopt a minor amendment to Local Planning Policy PLN 13.3 with modifications as shown in the Attachments.**
- 2. Publish a notice in a newspaper circulating in the district stating the Local Planning Policy PLN 3.13 amendment has been adopted.**
- 3. Authorise\* the Executive Director Development Service to appoint DRP members pursuant to Schedule A, Clause 60(a) of Town Planning Scheme No.4 and Policy PLN 3.13.**

**\*ABSOLUTE MAJORITY RESOLUTION REQUIRED**

## **ATTACHMENTS**

- 1. [DRAFT PLN 3.13 Design Review Panel \(with amendments\)](#)**





**LOCATION PLAN**  
Denny Avenue Level Crossing Removal

DATE 21 August 2023 - REVISION 2301  
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Based on information provided by and with the permission of the Western Australian Land Information Authority (LIDAR) as of 15/04/2024. Aerial photograph supplied by Landgate, Perth, Western Australia.

**\*\*1.2 - PROPOSED INFRASTRUCTURE HANDOVER FROM DENNY AVENUE  
LEVEL CROSSING REMOVAL PROJECT**

WARD : RIVER  
FILE No. : M/305/22  
DATE : 3 April 2024  
REF : RB  
RESPONSIBLE : Executive Director  
MANAGER : Development Services

**In Brief:**

- The Kelmscott Denny Avenue Level Crossing Removal Project is in its final stages and the State Government is proposing the handover of some infrastructure delivered by the project.
- Council resolved at its meeting on 16 October 2023 to enter into a Licence Agreement with the Public Transport Authority (PTA) for the Kelmscott Station Plaza and accept a funding arrangement for maintenance and additional landscaping in Kelmscott.
- PTA has advised that their standard Licence Agreement can't be modified to suit the Kelmscott Station Plaza maintenance arrangements and have therefore suggested that the arrangements be included in a Memorandum of Understanding (MOU).
- Recommend that the Council authorise the CEO to enter into a MOU with PTA for the maintenance of the Kelmscott Station Plaza

**Tabled Items**

Nil

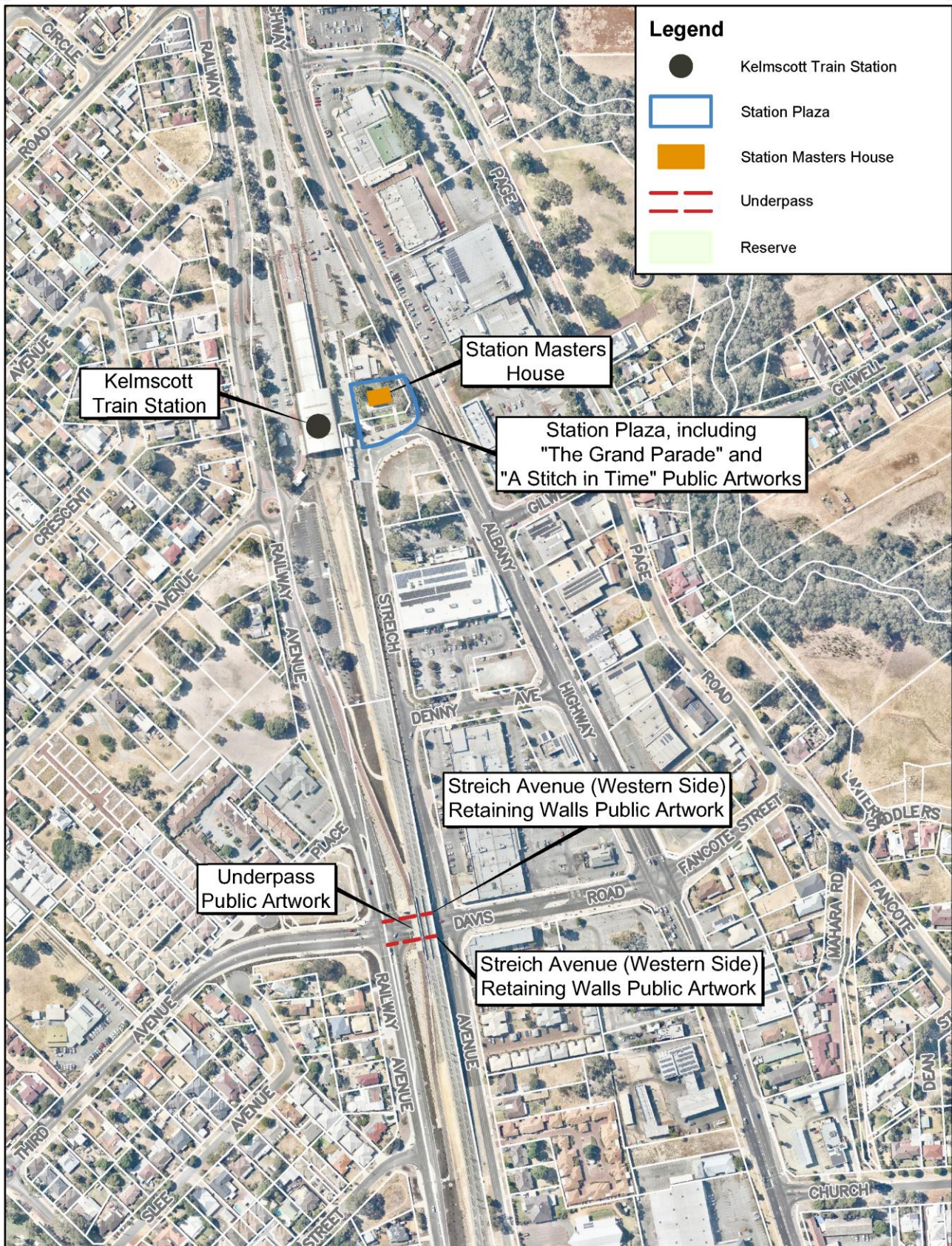
**Decision Type**

- Legislative**                      The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive**                              The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial**                      The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

**Officer Interest Declaration**

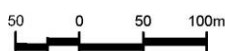
Nil





**AERIAL PLAN**

Denny Avenue Level Crossing Removal



SCALE 1 : 5000

DATE 22 August 2023 - REVISION 2301  
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Based on information provided by and with the permission of the  
 Western Australian Land Information Authority trading as Landgate (2013).  
 Aerial photograph supplied by Landgate, Photomaps by HeatMap.



### **Strategic Implications**

- 1.1.1.3 Implement the City's Public Art Strategy.
- 2.2.2.4 Consider the development of a landscape/streetscape plan for Kelmscott Activity Centre post the Denny Avenue works.
- 2.2.2.5 Improve the amenity of streetscapes through the use of public art.
- 3.1.1.3 Support the completion of the Denny Avenue project and associated landscaping.

### **Legal Implications**

*Local Government Act 1995*

### **Council Policy/Local Law Implications**

City of Armadale Public Art Policy

### **Consultation**

Public Transport Authority (PTA)  
City's relevant Directorates

## **DETAILS OF THE PROPOSAL**

Council previously considered a report on the 16 October 2023 relating to the MetroNet's Denny Avenue Level Crossing Project in Kelmscott delivered by the Public Transport Authority (PTA) including:

- Management of the Station Plaza;
- Management arrangements for public art;
- A funding proposal for landscaping maintenance;
- Funding proposal for gaps in the landscaping provision; and
- A proposed Licence Agreement in regard to the Plaza.

This report proposes to authorize the CEO to enter into a MOU with PTA.

## **BACKGROUND**

Council resolved at its meeting on 16 October 2023 to:

1. Agree to the funding proposal and maintenance responsibility for the relevant infrastructure as follows:

2 Years Public Art Maintenance	\$7,380
2 Years Bins Maintenance	\$7,490
1 Year Landscaping Maintenance, including Station Plaza	\$246,673.50
Additional Landscaping Works	\$74,055
Total	\$335,598.50

2. Authorise the CEO to negotiate the relevant provisions and enter into a Licence Agreement with PTA for the City to maintain Station Plaza.
3. Pursuant to section 6.11(i) of the *Local Government Act 1995*, a reserve account be established for ‘Kelmscott – Landscaping, Public Art and Bin Maintenance Contributions’ for the purpose of facilitating the transfer of PTA’s maintenance funds for the portion of the maintenance period in 2024/25 for Landscaping, Public Art and Bins for Kelmscott District Centre.
4. Pursuant to Section 6.8 of the *Local Government Act 1995*, amend\* the 2023/24 budget as follows:

Increase in Revenue - Operational Works Contributions 5510-410073-42060-5062

Public Art Maintenance Account by \$3,380

Kelmscott Landscaping Additional Works Account by \$74,055

Kelmscott Landscaping Maintenance Account by \$154,673.50

Bins Maintenance Account by \$3,490

Increase in Transfer to Reserve

Landscaping, Public Art and Bins for Kelmscott District Centre Reserve \$100,000 for allocation in 2024/25.

5. List the following for consideration as part of the Long Term Financial Plan per annum:
  - Public Art Maintenance - \$3,700;
  - Bin Maintenance - \$4,000;
  - Plaza Maintenance - \$40,000;

## ANALYSIS

The City understands that PTA do not wish to amend their standard Licence Agreement to accommodate the maintenance requirements for the Kelmscott Station Plaza. PTA’s standard draft Licence Agreement contains a number of irrelevant and unacceptable provisions that are not applicable for the maintenance arrangements. Following negotiations, it has been proposed that a Memorandum of Understanding would provide more flexibility to accommodate the maintenance arrangements between PTA and the City. A MOU will serve the City’s requirements for the Kelmscott Station Plaza, as the City is largely only undertaking maintenance of the permanent infrastructure and maintaining and managing the landscaping. The infrastructure in the Kelmscott Station Plaza will remain the property of PTA. The finalisation of the MOU will enable PTA to release the maintenance and additional landscaping funding specified in the previous report to Council, thereby enabling the City to access the additional landscaping funding to undertake works in the Kelmscott Townsite.

## **OPTIONS**

1. Authorise the CEO to negotiate the relevant provisions and enter into a Memorandum of Understanding with PTA for the City to maintain Kelmscott Station Plaza.
2. Advise PTA that the City will require a Licence Agreement or other document to accept the maintenance responsibility for the Kelmscott Station Plaza.
3. Advise PTA that the City is not willing to accept the maintenance responsibility for some of the relevant infrastructure.

## **CONCLUSION**

Council resolved at its meeting on 16 October 2023, amongst other matters, to authorise the CEO to enter into a Licence Agreement with PTA for the City to maintain the Kelmscott Station Plaza. PTA have recently advised that their standard Licence Agreement can't be modified to suit the Kelmscott Station Plaza maintenance arrangements and have therefore suggested that the arrangements be included in a Memorandum of Understanding (MOU). A MOU will serve the City's requirements for the Kelmscott Station Plaza as the City is largely only undertaking maintenance of the permanent infrastructure and maintaining and managing the landscaping.

## **RECOMMEND**

### **That Council:**

1. **Authorise the CEO to negotiate the relevant provisions and enter into a Memorandum of Understanding with PTA for the City to maintain the Kelmscott Station Plaza.**

## **ABSOLUTE MAJORITY RESOLUTION REQUIRED**

## **ATTACHMENTS**

1. [Land Lease Boundary Plan - Denny Avenue](#)

***COUNCILLORS' ITEMS***

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***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT***

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***3.1 - DEVELOPMENT STATISTICS 2022/2023***

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The City has forwarded its statistics to WALGA for inclusion into its 2022/2023 report for the *Local Government Performance Monitoring Project (Planning and Building)*. The Growth Alliance Perth and Peel (GAPP) Local Governments initiated this project with WALGA to develop a suite of performance indicators to measure how well Local Government is managing its planning, building and development functions.

The 2022/20223 report is the seventh (7<sup>th</sup>) year of the project and the report has been published. The City is a foundation member of the original group of Local Governments initialising this Project with WALGA. The number of Local Governments participating in the Project has increased from the original 11 in the first year of the project to 43 this year. WALGA's 2022/2023 report for the Local Government Performance Monitoring Project (Planning and Building) benchmarks the City's statistics against those of other Local Governments and will be included on the City's website similar to previous years. Results from previous years have been reported to Council and included on the City's website.

A few of the City's key statistics which the Monitoring Project will benchmark against the other Local Governments in the survey are:

- A total of 2375 development and building applications were received in 2022/23;
- The City determined 97% of those applications within statutory timeframes (Local Government survey average is 91.9%);
- 1841 Building Applications were received and the City determined 99.9% of those applications within statutory timeframes (Local Government survey average is 89.1%);
- 479 development applications were received and 90.2% of those applications were determined within statutory timeframes (Local Government survey average is 86.6%);
- Of those 479 development applications, 93 required advertising for comment and 386 did not require advertising;
- The City received 55 subdivision application referrals from the WAPC and 78% of those referrals were responded to within statutory timeframes (Local Government survey average is 77.6%);
- The City has a total of 8 strategies that form part of its strategic planning framework (Local Government survey average is 6); and
- The City finalised 7 Town Planning Scheme Amendments during that year, which was above the Local Government survey average of 2.3.

Participation in this survey indicates the City's continued commitment to providing excellent customer service to the community and industry in the areas of Planning and Building services. The City will work to maintain and improve its performance.

**ATTACHMENTS**

There are no attachments for this report.

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<b>DEVELOPMENT SERVICES COMMITTEE</b>		
<b>SUMMARY OF ATTACHMENTS</b>		
<b>15 APRIL 2024</b>		
<b>ATT NO.</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>1.1 PROPOSED MINOR AMENDMENT TO LOCAL PLANNING POLICY PLN 3.13 - DESIGN REVIEW PANEL</b>		
1.1.1	DRAFT PLN 3.13 Design Review Panel (with amendments)	18
<b>1.2 PROPOSED INFRASTRUCTURE HANDOVER FROM DENNY AVENUE LEVEL CROSSING REMOVAL PROJECT</b>		
1.2.1	Land Lease Boundary Plan - Denny Avenue	29

## **PLN 3.13 DESIGN REVIEW PANEL**

### **1. INTRODUCTION**

Whether it applies to our built environment such as an individual dwelling, commercial building, mixed use development or industrial complex, or more broadly through our activity centres and suburbs, design plays a critical role in defining the quality of the City's urban environment and the health and wellbeing of our community. Increasing evidence shows that 'good design' can have a positive and lasting impact on the physical and mental health and wellbeing of a community and correspondingly 'poor design' can have the opposite effect. As the City of Armadale is striving for a more sustainable and healthier future, as articulated in the City's Corporate Business Plan, Strategic Community Plan and Public Health and Wellbeing Plan, the careful critique of the design of development will play an increasingly important role especially as the City continues to expand and its population becomes more diverse.

To assist in creating 'better design' for our communities, the State Governments various Departments and Local Governments in Western Australia are increasingly using design review processes, via the establishment of Design Review Panels, to review and provide advice on planning proposals. Design review involves obtaining independent, expert advice on the design quality of a proposal for the purpose of achieving good design outcomes and is typically carried out just prior to lodgement or immediately after lodgement of an application. The process involves offering feedback and observations that will lead to the improvement of proposals preferably prior to their formal lodgement to Local Government for determination or during the assessment process.

The process of design review is typically applied to proposals that are significant - due to their size, use, location and/or community impact, where it is considered essential to ensure that minimum levels of design quality are being achieved. This usually involves the review of proposals by multiple Design Review Panel members. There are, however other circumstances such as for smaller projects (i.e. Heritage proposal) which may require specialist design input, in addition to advice from the City's Heritage Advisory Group (CHAG). In these circumstances a panel member may be engaged to provide specialist design advice.

The purpose of this policy is to articulate the formation and implementation of a Design Review Panel for the City of Armadale, and to align this policy with the State Government's Design WA Policy framework which encourages Local Governments to form a Design Review Panel to assist in the implementation of its Design WA planning framework. The Policy also aligns with Council's decision on the 25th February 2019 to support the creation of a Design Review Panel.

By establishing a Design Review Panel the City is aiming to create a culture of assisting applicants and providing constructive advice to improve design and streetscape outcomes for the City.

## **2. APPLICATION OF POLICY**

This policy applies to the administration and operation of the Design Review Panel for the City of Armadale.

## **3. POLICY OBJECTIVES**

The objective of this Planning Policy is to outline the following:

- Circumstances where a Design Review would be required;
- Design Review Panel Terms of Reference; and
- Design Review Format.

## **4. POLICY STATEMENT**

### **4.1 Circumstances when a Design Review Panel would be required**

#### **4.1.1 Types of Applications**

- a) The Design Review Panel is to be convened by the City for the following development:
  - Multiple dwelling, mixed use developments and commercial and shopping centres equal to or in excess of \$2m in development value.
  - Any application that is eligible for consideration by the Development Assessment Panel (or Joint Development Assessment Panel) pursuant to Part 2, Section 5 and 6 of the Planning and Development (Development Assessment Panels) Regulations 2011.
  - Precinct Plan, Activity Centre Structure Plan or substantial Greenfield Structure Plans.
  - Development, not of the kind referred to above but which, in the opinion of the City, is:
    - Likely to be of significant interest to the community;
    - Is considered a landmark site;
    - Involves unusual or unconventional design elements; or
    - Is likely to benefit from referral to the Design Review Panel.

- b) In the case of a development application proposing works that is for a property identified within the City's Local Heritage Survey and/or 'Heritage List' and is identified as a Management Category '1' or '2', the City may refer the proposal to the nominated heritage specialist in the Design Review Panel for advice / comment.
- c) A Design Review can take place prior to the formal lodgement of an application for consideration (preferable) or after the submission of the application to the City for formal assessment.

#### **4.2. Design Review Panel Terms of Reference**

The Terms of Reference for the Design Review Panel is defined in Annexure 1 to this Policy.

#### **4.3. Design Review Format**

The Design Review Format should be in accordance with Annexure 2 to this Policy.

## **ANNEXURE 1**

### **DESIGN REVIEW PANEL TERMS OF REFERENCE**

#### **4.2.1 Context**

- a) The City's Planning Services is responsible for processing Development Applications for individual development sites and making recommendations to the Western Australian Planning Commission on Structure Plans. Determination of these applications is made by the responsible decision-making authority, subject to relevant State Government Instrument of Delegation and/or the City of Armadale Instrument of Delegation. Responsible Authorities may include the Western Australian Planning Commission, Metro East Joint Development Assessment Panel (JDAP), the City of Armadale Council or the City's delegated officer.
- b) Clause 14.5 of the City of Armadale Town Planning Scheme No.4 identifies that the City may establish a Design Review Panel and that any recommendation or position of the Panel should be given due regard in the decision making process. The Design Review Panel is not a Committee established pursuant to Section 5.8 of the Local Government Act 1995.

#### **4.2.2 Objectives**

- a. It is the objective of the Design Review Panel to be a key source of advice to the Council, City officers and applicants in relation to the assessment of significant development applications and structure plans as well as specialist applications such as heritage proposals as provided for by this policy.

#### **4.2.3 Governance**

##### **4.2.3.1 Role of the Design Review Panel**

- a) To provide expert and technical advice to proponents, City Officers and in relevant circumstances to Council in relation to the design of planning applications listed in 4.1 of this Policy or other applications or proposals as requested by the City.
- b) The Panel performs an advisory function and does not make decisions on proposals.

##### **4.2.3.2 Role of the Individual Member**

- a) Each member brings to the role their specialist knowledge and experience, and a capacity to add value to eligible built form and structure plan proposals.

#### 4.2.3.3 Membership & Appointment

- a) The membership of the Design Review Panel will consist of up to ~~eight (8)~~ **twelve (12)** external members.
- b) The City will have the flexibility to engage any number of members to assist in the Design Review Panel's consideration for any given siting of a Design Review Panel, but as a general rule, for large developments and structure plans a minimum of two (2) members will comprise the Design Review Panel.
- c) The members selected for a Design Review Panel will attend as an expert to provide advice and the meetings themselves will be chaired by the nominated City officer.
- d) The City will seek to ~~engage~~ **invite nominations from** external consultants by way of **Registration of Interest (ROI) (minimum 14 days advertising)** with the following expertise:
  - Built form Architecture
  - Town Planning and / or urban design
  - Heritage Architecture
  - Landscape Architect
- e) The nominated external consultants in Clause 4.2.3.3 (d) will **be appointed at the discretion of the Executive Director Development Services taking into consideration** ~~have~~ the following experience and qualification:
  - Relevant skills and experience to provide independent expert advice.
  - Skills and experience in design and design review of major developments as identified in Clause 4.1.
  - Eligibility for membership to the relevant professional association.
  - A person who is currently employed by the City of Armadale or who is an elected member of the Armadale Council is not eligible for appointment as a member of the Design Review Panel.

#### 4.2.3.4 Chair of Design Review Panel

- a) The Chair of the Design Review Panel will be the Executive Director Development Services or nominated Manager from Planning Services to assist the Panel.
- b) The Chair of the Design Review Panel is authorised to select the Design Review Panel members required to undertake a review of the development or structure plan. The number of members and their expertise required will be at the discretion of the Chair.
- c) The Chair of the Design Review Panel is to ensure that proceedings are conducted in an orderly and proper manner and within the timeframes set by the Design Review format. Where necessary the Chair is to facilitate

discussion and responses to questions raised during the review process and to make opening and closing remarks for the review process.

#### 4.2.3.5 Design Review Panel Support

- a) The City will nominate one of its officers to provide support for administration and note taking.
- b) The City's officers are not members of the Design Review Panel and do not have any voting rights. The City's officers are required to facilitate proceedings to ensure the review is conducted in an orderly and proper manner.
- c) The Nominated Chair will be responsible for:
  - Arranging for administrative support to the Design Review Panel, including the preparation and distribution of the agenda, application plans / supporting documents, notice of meeting and business papers, recording of meeting notes, arranging a meeting venue, and coordinating any presentations.
- d) The Nominated supporting officer will be responsible for:
  - Contacting an alternative Design Review Panel member if a member is unavailable for the scheduled meeting.
  - Contacting Design Review Panel members in certain circumstances requesting feedback in relation to minor alterations to plans or subsequent questions / clarifications from the proponent as a result of feedback issued by the Design Review panel at a formal meeting.
  - Organising the timely distribution of meeting notes which will form the basis of expert advice to proponents.

#### 4.2.3.6 Term of Office

- a) The term of appointment for any new member of the Panel shall be up to ~~three (3) two (2)~~ years.
- ~~b) A member may be nominated for re-appointment upon the expiry of their term.~~
- e) Should a vacancy occur during the term of office, the process to fill the casual vacancy will follow Clause 4.3.3 (d), if needed. ~~the normal process of appointment.~~

#### 4.2.3.7 Resignation

- a) A Design Review Panel member may resign at any time during their appointed term. The resignation must be in writing and addressed to the City.

#### **4.2.4 Meetings**

##### **4.2.4.1 Meeting Schedule**

- a) The Design Review Panel will meet when required as nominated by the City support officer.
- b) The location, date and time for meetings will be detailed on the agenda.

##### **4.2.4.2 Attendance**

- a) The quorum for each meeting will be no less than two (2) Design Review Panel members. If a quorum is not present within 30 minutes of the appointed time for the start of the meeting, continuance of the meeting will be at the discretion of the Chair.
- b) A member who is unable to attend a particular meeting is to advise the Design Review Panel support and Chair in advance of the meeting date.
- c) Design Review Panel meetings are not open to the public and are generally to be conducted at the City of Armadale's administration office.
- d) The City's officers will provide a briefing to the Design Review Panel members on each proposal for consideration, identifying any particular aspects upon which comments and advice are required.
- e) The Design Review Panel support officer should attend the meeting to record the meeting notes.
- f) The proponent and their appointed consultant may be invited to present their proposal to the Design Review Panel at the relevant part of the meeting.
- g) For advice on Heritage proposals, the City can seek advice from just one (1) Panel Member. This advice is to be considered in addition to engagement processes and advice from the City's Heritage Advisory Group (CHAG).

##### **4.2.4.3 Agenda and Notes**

- a) The Design Review Panel support should email a copy of the agenda, development plans and supporting documents to the Panel members five (5) days prior to the scheduled meeting.
- b) Each meeting shall be properly recorded by the taking of Notes by the Design Review Panel support officer and these notes used as the basis for advice from the Design Review Panel to the proponent via the City.



- c) The notes will be checked and approved by the Chair and aim to be distributed to all members and the proponent within five (5) business days of the meeting.
- d) The notes will be provided to the responsible decision-making authority, with a summary of whether the application has addressed the relevant issues or matters.

#### **4.2.5 Code of Conduct**

- a) Each Panel member is required to comply with the City of Armadale's Code of Conduct.
- b) Members should act in a professional and responsible manner with the information they obtain.
- c) Members should feel free to express their opinions and views without fear of recrimination. It is therefore important that members respect each other and work together to create an open and trusting environment.
- d) It is essential for members to accept collective responsibility, and remain loyal to advice of the Design Review Panel, even when they may not have agreed with the final advice.

#### **4.2.6 Confidentiality and Privacy**

- a) Members may come across confidential or personal information during the course of the design review. In these circumstances it is imperative that the member not access, distribute, use or remove any information, unless authorised by the City.

#### **4.2.7 Conflict of Interest**

- a) It is important that a member must disclose any conflict of interest prior to their attendance at the panel meeting as required by the City's Code of Conduct. Upon receipt of the agenda, the panel member is required to consider the information and disclose to the City and Chair in writing should a conflict of interest arise. This is to occur as soon as practical from receiving the agenda so the City may decide to continue with the involvement of the member or decide to nominate an alternative member to take their place. Panel Members will be provided with training on Conflict of Interest.
- b) Any person who has a financial and proximity interest in a matter shall exclude themselves from the panel meeting and discussion on the proposal.

#### **4.2.8 Operational Funding and Remuneration**

- a) Members shall be paid an hourly sitting fee for attendance at a Design Review Panel meeting (minimum of 1 hour to a maximum of 3 hours per sitting). The sitting fee shall be based on the duration of the meeting. The fee is to be reviewed annually, in conjunction with the City's Schedule of Fees and Charges.
- b) If a member of the Design Review Panel appears on the City's behalf as an expert witness at the State Administrative Tribunal or to assist in the presentation of the City's recommendation to a Development Assessment Panel or Joint Development Assessment Panel, the member is to be paid at an agreed rate.
- c) In the case of heritage matters, the City may request that the specialist heritage panel member provide advice on any given heritage proposal. If so the member is to be paid an agreed rate.

#### **4.2.9 Media Protocol**

- a) Members are not to speak to the media in their capacity as Design Review Panel members or matters relating to applications considered by the Panel.

## **ANNEXURE 2**

### **DESIGN REVIEW FORMAT**

#### **4.3.1 Information to be provided by the proponent**

- a) In order to optimise the design review process, it is important that the proponent provide the following information ahead of the design review meeting:
- Information in accordance with the City's Town Planning Scheme (i.e. relevant application checklists).
  - Supporting documentation, such as perspective drawings and reports/certifications addressing discretionary matters (if available).
  - Statements addressing how the development achieves the relevant design principles listed in 4.3.3 of this policy.

#### **4.3.2 Presentation by the proponent to the Design Review Panel**

- a) In a maximum 10 minute presentation, or longer as agreed by the Chair of the Design Review Panel, the proponent may present plans and provide relevant information for the development proposal, including:
- The aspirations of the project, as well as a contextual understanding and how the project relates to its surroundings.
  - How the development addresses relevant development requirements as outlined in Clause 4.3.3 of this policy, the City's Town Planning Scheme and relevant State and Local Planning policy requirements.

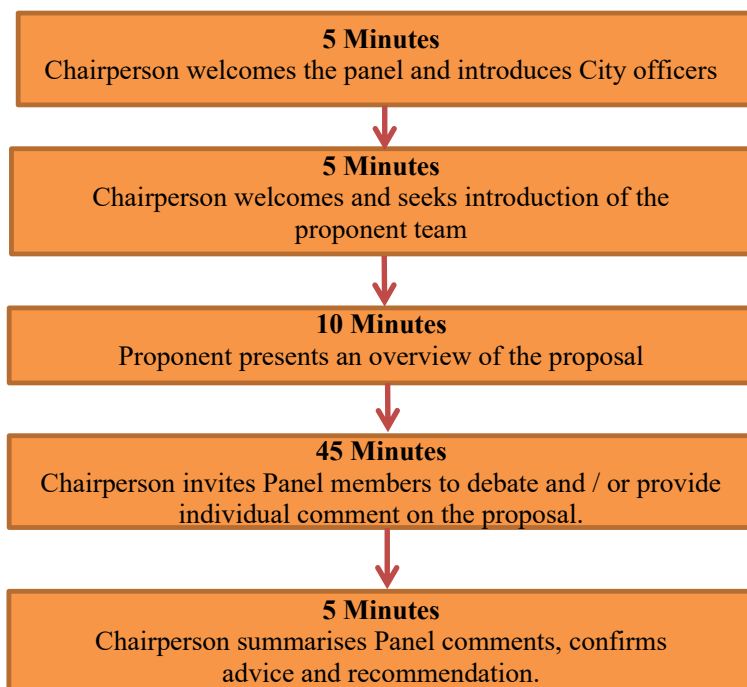
#### **4.3.3 Design Principles**

- a) The proponent and the Design Review Panel will take into consideration the following design principles (but is not limited to) when assessing a development proposal for apartment and mixed use development as defined in Part 4, SPP 7.0 'Design Principles' from the WAPC's Design Review Guide:
- Context and Character
  - Landscape Quality
  - Built Form and
  - Functionality and Build
  - Sustainability
  - Amenity
  - Legibility
  - Safety
  - Community
  - Aesthetics

- b) In addition to principles identified in Clause 4.3.3 (a) the Design Review Panel will take into consideration the following when assessing a development proposal (apartment / mixed use or otherwise):
- Other relevant State Planning Policies;
  - Local Town Planning Scheme;
  - Any Structure Plan that is applicable;
  - Any relevant Local Planning Policies and / or Local Development Plan; and
  - Any other policy State or Local that is applicable.
- c) For heritage proposals, the proponent will need to consider relevant Legislation, State and Local Policy, relevant Town Planning Scheme and the City's Local Heritage Survey.
- d) The proponent and the Design Review Panel will take into consideration the following when assessing a structure plan:
- Liveable Neighbourhoods Policy
  - Design WA documentation reflective of Structure Plan and neighbourhood design.
  - Relevant Federal, State and Local Environmental and Planning Policies.

#### 4.3.4 Design Review Process




- a) The Design review process will typically follow the format detailed below:





**D8/1/20 Development Services Committee 21 Jan 2020 - Adopted by Council 28 Jan 2020**





LEGEND						
	EXISTING NARROW GAUGE LINE					
	CADASTRE BOUNDARY					
	LAND LEASE BOUNDARY					

 LEASE L7558      AREA ≈ 2,047m<sup>2</sup>

				SCALE : NTS (@ A4)	DESIGNED DRAWN AK	 <b>PROPERTY MANAGEMENT</b> LICENCE TO OCCUPY TO THE CITY OF ARMADALE <b>KELMSCOTT</b> ALBANY HWY, KELMSCOTT PTA Drawing No: L7558      REV : A
REV	DATE	FIRST ISSUE	AMENDMENT	DATUM :	CHECKED	
				HORIZONTAL:	APPROVED FOR ISSUE	
				VERTICAL:	EXECUTIVE DIRECTOR PTA Division / External Company DATE	
ORIG SIZE	0 5 10 15 20mm			DOC REVIEW NOTE No.		
A4	AT ORIGINAL PLOT SIZE			This document must not be copied without PTA's written permission, and the contents thereof must not be imparted to a third party nor be used for any unauthorised purpose.		

CAD DRAWING PATHNAME: G:\P\5\1\Projects\NW\_General\1558\_PLS\_Land\_Request\1558\_DPT\152\_Work\Lease Plans\L7558\_A - Armadale.dwg