

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

- a) The membership of the Design Review Panel will consist of up to eight (8) 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 external consultants 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 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 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.

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:

