

POL-LP-1.13 Design Review

1. PURPOSE

To outline the establishment and operation of the City of Swan's Design Review Panel.

2. OBJECTIVE

To provide technical advice and recommendations on the design and site planning of certain planning proposals.

The Design Review Panel is advisory only and does not have a decision making function. Decision-makers must give 'due regard' to the design review assessment outcomes in their deliberations.

3. POLICY STATEMENT

3.1 Referral to Design Review Panel

The Design Review Panel is to be convened by the City to advise on the following types of development:

- a) All Multiple Dwellings and proposals for grouped dwellings of ten (10) units or more;
 - b) Development that is three or more storeys (above natural ground level) in height excluding single residential dwellings and additions to single residential dwellings;
 - c) Major extensions or amendments to those proposals referred to in a) and b) above, which in the opinion of the City would benefit from review by the Design Review Panel;
 - d) All mandatory Joint Development Assessment Panel (JDAP) proposals no matter the height (excluding applications that do not have a built form component);
 - e) All Optional 'opt-in' JDAP proposals no matter the height (excluding applications that do not have a built form component);
 - f) Any amendment to a JDAP approval, which in the opinion of the City would benefit from a review by the Design Review Panel;
 - g) City proposals; or
 - h) Any relevant development application, scheme amendment, activity centre plan, structure plan, policy, precinct plan, local development plan or design guidelines referred by the Executive Manager Planning and Development.
- 3.1.1 The developments listed in Clause 3.1 are required to be reviewed by the City's Design Review Panel unless written confirmation is received from the City, prior to lodgement of a development application, that the proposal is not considered to require review by the Design Review Panel. The proponent is encouraged to contact the City prior to lodgement to discuss the proposal.
- 3.1.2 If development is of a type referred to in Clause 3.1 of this policy, and has not been referred to the Design Review Panel prior to the lodgement of a development application, the proponent may be requested to agree to a time extension in accordance with Clause 75 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the processing of the development application, to enable a design review meeting to be undertaken.

3.1.3 Proposals which are not capable of approval under LPS 17 will not be referred to the Design Review Panel.

3.2 Process of Design Review

3.2.1 If referral is required, the City strongly recommends that the proposal be reviewed prior to lodgement to maximize the benefit of the design review process. Early design review offers the opportunity to increase the value and quality of a design proposal, before the cost of changes outweighs the benefits gained. 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 and prior to the proposal being submitted for development approval. The City will fund one pre-lodgement design review meeting per proposal; the proponent will bear the cost for any additional meetings.

3.2.2 After each design review, the proposal may be referred back to a Design Review Panel meeting at the proponent's cost for the following reasons:

- a) Major modifications to the proposal were recommended by the Design Review Panel at the previous review;
- b) Insufficient or inadequate information was provided and made available to the Design Review Panel at the previous design review meeting;
- c) The design quality is substantially inconsistent with the proposal considered by the Design Review Panel at the previous design review meeting; or
- d) The City does not consider that the recommendations of the Design Review Panel have been sufficiently addressed when the proposal is lodged as a development application.

3.2.3 Proposals that are formally submitted as a development application to the City following consideration by the Design Review Panel must be accompanied by a statement detailing how, and the extent to which, the comments made from the Design Review Panel have been addressed.

3.2.4 If the City, in consultation with the Design Review Panel Chair considers that the recommendations of the Design Review Panel have been sufficiently addressed in the development application, the application is not required to be referred back to a Design Review Panel meeting.

3.2.5 If a development application is lodged and is required to be reviewed under Clause 3.1 or 3.2.2 of this Policy, the proponent will bear the cost for the design review.

3.2.6 It is at the City's discretion as to who will pay for the initial pre-lodgement design review of amended development applications which have previously been determined by the City or referred to the City by another agency.

3.2.7 Information for the proposals is to be submitted ten working days prior to the meeting. See Appendix 2 for what information is required to be submitted for design review.

3.2.8 The minutes and recommendations from the Design Review meeting will be prepared by the City and distributed to the proponent within 10 working days post meeting.

3.3 Matters to be considered by the Design Review Panel

In providing any advice and recommendations, the Design Review Panel shall take into account matters including, but not limited to:

- a) The relevant planning framework including the state and local statutory planning framework; and
- b) The 10 Design Principles from State Planning Policy 7.0 Design of the Built Environment (SPP7.0). These principles establish a broad definition of 'good design' and form the basis of design review consideration.

3.4 Matters to be considered by the Design Review Panel

The City will fund a maximum of one pre-lodgement meeting per proposal. If a proposal needs to be referred back to the Design Review Panel or needs to be reviewed post lodgement it will be at the proponent's cost. The fee for each Design review item is included in the Fees and Charges Schedule. This fee will be reviewed annually with the Fees and Charges Schedule.

A bond for three design review meetings will be charged to the proponent at the start of the design review process. If the application does not require three meetings the residual amount will be refunded back to the proponent.

3.5 Terms of Reference

Refer Appendix 1 for the Terms of Reference. The Terms of Reference outlines the roles and membership of the Design Review Panel and how meetings are conducted.

Document Control

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3.			
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APPENDIX 1 - TERMS OF REFERENCE

1. POLICY SUPPORT

This Terms of Reference should be read in conjunction with the City's POL-LP-1.13 Design Review.

2. PURPOSE

To set up the administration of the City of Swan Design Review Panel.

3. MEMBERSHIP AND MANAGEMENT

- 3.1 The Manager Statutory Planning or their delegate shall be the Panel Co-ordinator of the Design Review Panel meetings for the purpose of the administration of the meeting and the coordination and review of the advice provided to the proponent and owner.
- 3.2 One member of the Design Review Panel shall be the Chairperson of the Panel for the purpose of leading the design discussion. A Deputy Chairperson will also be selected from the Design Review Panel to lead the design discussions where the Chairperson is absent from a meeting.
- 3.3 A minimum of four panel members shall be drawn from a pool of up to ten to review each item. If an item has heritage impacts to buildings on the City Heritage Inventory or a building over one hundred years old then at least one heritage expert will be included in the panel.
- 3.4 Selection criteria for membership on the Design Review Panel include, but are not limited to:
 - a) Demonstrated knowledge of the composition, character, heritage and desired built form for the City of Swan;
 - b) Possession of relevant qualifications, expertise and experience relevant to the City of Swan, in at least one of the following disciplines:
 - Urban design and architecture;
 - Landscape architecture;
 - Heritage;
 - Town Planning and;
 - Energy efficient building design and sustainable development.
 - c) Any heritage expert member on the panel shall have academic qualifications relevant to heritage including at least one of the following:
 - History;
 - Art history;
 - Archaeology;
 - Conservation science;
 - Heritage botany and horticulture;
 - Aboriginal studies;and shall have local knowledge and experience of the heritage of the City of Swan and in particular the Midland, Swan Valley and Guildford localities.

- 3.5 Suitable candidates will be recruited through an appointment process, which includes:
- a) Public advertising seeking formal Expressions of Interest (EOI);
 - b) Consideration of EOIs by an appropriate selection panel;
 - c) An interview process, if required, to confirm appropriate design review expertise; and
 - d) A report with recommendations for appointment presented to Council for approval.
- 3.6 Membership is for a two year period (this equates to one term), although the Executive Manager Planning and Development may recommend to Council to reappoint any member and members can serve more than one term.
- 3.7 The Council may terminate the appointment of any member of the Design Review Panel at a confidential meeting prior to the expiry of the term of office, including where:
- a) The City considers that the member is not making a positive contribution to the Design Review Panel;
 - b) The member is found to be in breach of the City of Swan's Code of Conduct or in serious contravention of the Local Government Act 1995; or
 - c) A member's conduct, actions or comments brings the City of Swan into disrepute.
- 3.8 Where a vacancy in the Design Review Panel occurs, eligible persons shall be drawn from previous nominations for the Design Review Panel, and shall be presented to the Executive Manager Planning and Development for selection and submitted to Council for approval. Failing this, the process set out in item 3.5 above shall be followed. The term for any new appointment is up to the two year date previously determined by the Executive Manager Planning and Development, irrespective of how long that remaining time will be.
- 3.9 The attendance and/or participation of all Design Review Panel members for each proposal to be assessed is not essential and will depend on the nature of the proposal and the issues to be considered.

4. ROLES AND RESPONSIBILITIES

4.1 Panel Co-ordinator

The Panel Co-ordinator is responsible for:

- a) The administration of the Panel meetings;
- b) Setting and communicating the meeting agenda and a summary of the City's advice to the proponent and owner;
- c) Recording comments made at the meeting and summarising these at the conclusion of each item;
- d) Circulating the draft minutes to the Panel Chairperson for review; and
- e) Circulating the final comments that result from the Design Review Process to the owner and proponent;

4.2 Panel Chairperson

The Panel Chairperson is responsible for:

- a) Leading the design review discussion;
- b) Facilitating interactive and collaborative discussion and participation of all parties, including all Panel Members, all relevant local government attendees and the proponent;
- c) Reviewing meeting minutes and liaising with other Panel Members in order to provide a final set of design advice to the City following each Panel meeting;
- d) Inducting Panel Members and briefing them regarding panel operations;
- e) Ensuring that the meeting agenda is followed;
- f) Welcoming and introducing panel members to each proponent;
- g) Ensuring consistency of panel advice between reviews;
- h) Summarising the consensus view of the panel at the conclusion of the meeting;
- i) Endorse the final design review report or meeting minutes post meeting; and
- j) Attend briefings or meetings at the request of the Executive Manager Planning and Development.

4.3 Panel Members

The Panel Members are responsible for:

- a) Attending meetings when required;
- b) Providing constructive and objective design review advice which aligns with the state and local planning framework; and
- c) Reviewing minutes and providing feedback to the Panel Chairperson on the design advice when required.

5. MEETINGS

5.1 Meetings of the Design Review Panel shall be convened as required during normal office hours.

5.2 Design Review Panel meetings are not open to the public or elected members (excluding proponents and owners of the proposal).

5.3 A Design Review Panel meeting cannot proceed unless a quorum of the following is present:

- a) The Manager Statutory Planning, or their delegate, in the role of the Panel Co-ordinator;
- b) One member of the Design Review Panel, in the role of the Chairperson; and
- c) At least three other Design Review Panel members.

The location, date and time of the Design Review Panel meetings shall be set as a recurring placeholder in member's calendars for the year. If a meeting is required, the panel members will be notified at least five working days prior to the meeting. At this point, information will be circulated regarding the proposals to be reviewed so that the invited members can declare any conflicts of interest. If conflict arises, the City may invite another Panel Member to attend.

- 5.5 Information required to be submitted by the proponent to the City for assessment by the Design Review Panel as set out in the City's POL-LP-1.1.3 Design Review Panel Appendix 2 must be submitted to the City a minimum of 10 working days prior to the date of the Design Review Panel meeting. Failure for this to occur may result in the meeting being cancelled or postponed.
- 5.6 The City shall prepare an agenda for the Design Review Panel meeting, including:
- a) A preliminary assessment of the proposal against the relevant statutory planning framework; and
 - b) An indication of aspects of the proposal requiring comments from the Design Review Panel.
 - c) The agenda shall be distributed to all Design Review Panel members at least five working days prior to the date of the Design Review Panel meeting.
- 5.7 The meeting should run in accordance with the meeting format in the City's POL-LP-1.1.3 Design Review Panel Appendix 3. The proponent may present plans and relevant information relating to the proposal at the Design Review Panel meeting for a maximum duration of ten minutes, or another time period agreed by the Design Review Panel. The following matters may be included in presentations:
- a) The aspirations of the proposal, as well as a contextual understanding of the site and how the project sits within and relates to its surroundings; and
 - b) How the proposal addresses:
 - Relevant development requirements, including rationale for any variations to these; and
 - Design principles of State Planning Policy 7 – Design of the Built Environment.
- 5.8 The Design Review Panel is to provide advice and recommendations on proposals, having regard for matters as contained in the City's POL-LP-1.13 Design Review.
- 5.9 Minutes summarising the agreed actions, and relevant comments and recommendations from the Design Review Panel are to be prepared by the City and referred to the Panel Chair within four working days from the meeting. The panel chair has four working days to confirm recommendations. The minutes will be provided to the proponent within ten working days of the meeting occurring.

6. DESIGN ADVICE OUTSIDE OF DESIGN REVIEW PANEL MEETINGS

- 6.1 Planning proposals included in Clause 3.1 of POL-LP-1.1.3 Design Review Panel may be referred to a Panel Member outside of a Design Review Panel Meeting where the City considers that the scale of the proposal does not warrant review by the whole Panel, in which case:
- a) The Panel Member is to acknowledge the request for design advice within three days of receipt and is to state whether they agree to provide the design advice; and
 - b) Where a Panel Member agrees to provide design advice outside of a Panel Meeting, the Panel Member shall provide that design advice within seven days of agreeing to provide that advice.

- 6.3 Panel members may be requested to attend State Administrative Tribunal proceedings in relation to a planning proposal for which they have previously provided design advice to the City.
- 6.4 Panel members shall provide advice in accordance with Clause 3.4 of POL-LP-1.13 Design Review.

7. CONFLICT OF INTEREST

- 7.1 If a member has any financial or proximity interest in the matters on receipt of the agenda for a Design Review Panel meeting, then that member is required to declare the interest prior to the forthcoming meeting so that it can be noted.
- 7.2 Any member who has a financial or proximity interest in a matter shall excuse themselves from the meeting room and not participate in the consideration of that item during the meeting.

8. FINANCIAL

- 8.1 All Panel Members are to invoice the City for their attendance at meetings.
- 8.2 The Panel Chairperson is to be paid:
 - a) \$250 per hour for attendance at each Panel meeting, capped at a maximum three hours, plus one hour of preparation based on a maximum of three items;
 - b) \$200 per hour, capped at a maximum of three hours, for design advice on a planning proposal referred to the Panel Chairperson separate from Panel Meetings; and
 - c) \$200 per hour, capped at a maximum of four hours, for attendance at other briefings or meetings requested by the Executive Manager Planning and Development, including preparation prior to the proceeding.
- 8.3 The Design Review Panel Members are to be paid:
 - a) \$200 per hour for attendance at each Panel meeting, capped at a maximum three hours, plus one hour of preparation based on a maximum of three items;
 - b) \$200 per hour, capped at a maximum of three hours, for design advice on a planning proposal referred to the Panel member separate from Panel Meetings; and
 - c) \$200 per hour, capped at a maximum of four hours, for attendance at other briefings or meetings requested by the Executive Manager Planning and Development, including preparation prior to the proceeding.

The remuneration for the panel members shall be reviewed annually.

9. CODE OF CONDUCT

- 9.1 All Design Review Panel Members shall abide by the City's Code of Conduct.

APPENDIX 2 - DESIGN REVIEW APPLICATION REQUIREMENTS

The material required for design review is to sufficiently illustrate site analysis, site design response and the intended design proposal. This may include, but not limited to:

1. Site Analysis

Understanding the site context is important for the Design Review Panel to assess how well a proposal responds to its site and context. The key elements of a site analysis include:

- a) Site location / wider context plan;
- b) Aerial photograph;
- c) Local context plan (showing surrounding land uses);
- d) Site context and survey plan; and
- e) Elevations/pictures of the existing streetscape and other factors influence.

2. Site Design Response

The proponent should provide sufficient information to clearly articulate the considerations that have informed the broader site design approach.

The key elements of a site design response should include:

- a) Assessment of site opportunities;
- b) Car parking strategy (for mixed use proposals or where departures from parking standards are proposed);
- c) Orientation study, including winter sun paths and overshadowing of site and adjoining properties;
- d) Prevailing breezes and ventilation strategies (for multiple dwellings);
- e) Relationship to public domain and surrounding properties;
- f) Investigation of amenity provided for occupants and neighbouring developments;
- g) Retention of existing trees and vegetation;
- h) Landscape design approach (deep soil zones, location and species of trees);
- i) Communal open spaces;
- j) Consideration of culturally relevant or heritage elements and public art (if applicable); and
- k) Any relevant specialist advice.

3. Design Response

Depending on the stage of the proposal, sufficient drawing material should be presented to outline the intended design proposal. If the proponent is coming in at concept stage then not all elements below are required.

The key elements of a development application design proposal include:

- a) Development details;
- b) Design quality statement outlining how the proposal responds to the ten design principles contained in SPP 7.0;
- c) Precedents that have informed the design proposal;
- d) Site plan;
- e) Floor plans;
- f) Elevations of the proposal in context;
- g) Sections of the proposal in context; and
- h) 3D images or visualisations.

APPENDIX 3 - MEETING FORMAT

The panel Chairperson will conduct the meeting in accordance with the agenda, following the meeting format outlined below. The recommended meeting duration for each item is 45 minutes, including a briefing. A longer duration can be allowed for complex projects.

The format for discussion of individual items includes:

1. Panel briefing and pre-review panel discussion – 10 minutes

Overview by the local government planning staff, including:

- Site history and background;
- Surrounding context and proposed or approved developments;
- Compliance with planning controls and relevant design criteria;
- Internal referral comments (e.g. heritage, stormwater, traffic/parking);
- Briefings from relevant State Government agencies also invited to attend the meeting; and
- Panel pre-review discussion determining key questions to ask/key issues raised.

2. Welcome and Introductions – 5 minutes

- Proponents are invited into the meeting room. Chairperson welcomes them and introduces the panel. Panel Co-ordinator or delegate assists with proponent setup; and
- Recording of any interests.

3. Proponent presentation – 10 minutes

- Client provides their vision for the project; and
- Design team presentation, explaining the project background and outlining how the proposal addresses the City's Planning Framework.

4. Panel questions and clarifications – 5 minutes

- Panel members are able to seek clarification on any points.

5. Panel discussion – 10 minutes

- Chairperson invites panel members to provide individual comment on the proposal; and
- Discussion should be referenced to the City's Planning Framework.

6. Confirmation of advice/recommendations – 5 minutes

- Chairperson summarises panel comments, confirms advice and recommendations; and
- Chairperson thanks the proponent for participation.