

**CITY OF SUBIACO**  
**DRAFT LOCAL PLANNING POLICY 1.9**  
**Design Review Panel Terms of Reference**

**Adoption Date: 9 June 2020**

**1. Statutory basis**

- 1.1. The City of Subiaco Design Review Panel (the Panel) is established as a body with which the City may consult in assessing development proposals and other related matters under the provisions of the relevant Planning Scheme.
- 1.2. The Subiaco Design Review Panel shall not constitute a committee as defined under Part 5 Division 2 Subdivision 2 of the *Local Government Act 1995*.
- 1.3. The role of the Panel is to:
  - Provide independent and impartial recommendations to the City on the architectural and design aspects of any planning proposal or related matter;
  - Improve the design quality and functionality of new development within the City, and ensure new development is consistent with the objectives and intent of the City's policies and strategies;
  - Provide expert advice to City Officers to assist in the formulation of recommendations to the Council or Joint Development Assessment Panel on particular applications for planning approval, or in determining proposals under delegated authority.
- 1.4. The Panel does not have a decision-making function.
- 1.5. Outside of the design review processes under this Terms of Reference, members of the Panel shall not provide advice directly to an applicant, landowner, Elected Member or member of the public in respect to any proposal under consideration at a Design Review Panel meeting.

**2. Membership**

- 2.1. The membership of the Panel shall comprise a maximum of six (6) persons, with a minimum of four (4) persons required to constitute a quorum.
- 2.2. A Chairperson to preside at Panel meetings will be appointed by Council. If the Chairperson is unavailable to attend a meeting, they are required to delegate their role in advance to another panel member and advise the City accordingly.
- 2.3. The City may appoint up to two (2) Specialist Panel members who will be invited to provide feedback at Panel meetings as necessary. This is in addition to Panel members outlined in 2.1 above.
- 2.4. The Council shall appoint all Panel members.
- 2.5. Panel Members shall have appropriate qualification and experience in one or more of the nominated areas:
  - Architecture
  - Landscape architecture
  - Urban design
  - Heritage
  - Sustainability and environmental design
  - Services engineering
  - Accessibility
  - Transport planning
  - Planning
  - Public art
  - Civil and/or structural engineering

- 2.6. A person who is currently employed by the City of Subiaco or who is an Elected Member of the Subiaco Council is not eligible for appointment as a member of the Panel.
- 2.7. Panel Members shall include a mix of both local and non-local members. However, to ensure that local knowledge and issues are properly taken into account, at least two of the members should either have practices based within, or demonstrate significant experience in, the City of Subiaco.
- 2.8. Members of the Panel will be sourced via public process of expressions of interest. All expressions of interests shall include a professional profile addressing the selection criteria detailed in part 5.6 of the *Design Review Guide*.
- 2.9. The term of office for Panel members will be two (2) years, although any member may be reappointed. Council may also extend the term of a current Panel by up to six (6) months.
- 2.10. The Council may terminate the appointment of any member of the Panel prior to the expiry of the term of office.

### **3. Referrals to the Panel**

- 3.1. The following matters will generally be referred to the Panel for review:
  - All planning proposals that meet the requirements to be determined by a Development Assessment Panel under the Planning and Development (Development Assessment Panels) Regulations 2011, except for any Form 2 application to amend or extend the term of approval unless the amendment involves design changes.
  - All planning proposals involving the construction of, or substantial redevelopment of, buildings of four storeys or greater.
  - All planning proposals subject to assessment under SPP7.3 Volume 2 Apartments, involving five (5) or more residential units, or where review of the panel is considered appropriate.
  - Any planning proposal that has significant strategic planning impacts in terms of the implementation of a strategic planning objective, the scale of the development, or is considered by the City to be significantly different from the predominant and expected pattern of land use within the locality.
  - Any relevant Local Planning Scheme amendment, Structure Plan, Local Development Plan/Precinct Plan, Activity Centre Plan or Local Planning Policy proposal (including design guidelines) referred by the Manager Planning Services or Council.
  - Any other matter as determined by the Manager Planning Services or Council.
- 3.2. The format of the referrals will include all necessary plans and information on the proposal to be considered and, preliminary officer assessment under the relevant planning framework.

### **4. Operation of the Panel**

- 4.1. The Panel will meet at such place and time as notified to the members by the City. Meetings will normally be held once per month, generally on the 3rd Wednesday of each month. Additional meetings may be called for urgent matters or where the number of proposals requires.
- 4.2. The assessing officer of a proposal shall complete the Development Assessment Overview table as found in the *Design Review Guide* prior to the meeting, and it shall be circulated with the agenda one week prior to the scheduled meeting. All panel members should ensure that they are familiar with all information provided prior to the meeting and prepare comments in advance.
- 4.3. A Panel meeting cannot proceed unless a quorum is present.
- 4.4. Meetings of the Panel are not open to the public.

- 4.5. All Panel Members shall declare any financial, proximity and/or impartiality interests in accordance with the City's Code of Conduct at the start of the Panel Meeting.
- 4.6. Each proposal for consideration shall generally be allocated 50 minutes for presentation, questions and discussion, as follows:
  - Briefing and pre-review panel discussion (panel only) – 10 minutes
  - Applicant Presentation – 10 minutes
  - Panel Questions – 10 minutes
  - Panel Discussion & Assessment (panel only) – 15 minutes
  - Panel recommendation (panel only) – 5 minutes
- 4.7. During the Design Review Panel meeting the panel shall provide advice in accordance with the Design Quality Evaluation template as found in the *Design Review Guide*, with the following headings:
  - Context and Character;
  - Landscape Quality;
  - Built Form and Scale;
  - Functionality and build quality;
  - Sustainability;
  - Amenity;
  - Legibility;
  - Safety;
  - Community;
  - Aesthetics;
  - Strengths of the proposal;
  - Suggested amendments/improvements; and
  - Recommendation
- 4.8. The Panel recommendations should include one or a combination of the following statements for each design element:
  - The design is supported and is of significantly high quality to achieve design excellence.
  - The design is supported and is of high quality.
  - The design is acceptable.
  - The design is acceptable/supported subject to the following conditions.
  - The design is not supported, giving clear reasons.
- 4.9. Administrative support to the Panel will be provided by City of Subiaco staff. Notes will be taken at the meeting including recording attendance, apologies, declarations of interest and the Panel's considerations and advice on matters. The notes will be reviewed by the Manager Planning Services. Once reviewed they will be forwarded to the Chairperson to confirm they are an accurate reflection of the meeting. They will then be formalised at the next available Panel meeting.

## **5. Panel Recommendation**

- 5.1. For proposals reviewed pre-lodgement, the Panel's comments will be provided to the applicant to assist in the development of the design.
- 5.2. For proposals reviewed post-lodgement, the Panel will make a recommendation regarding the elements of the design that are supported and those elements that would benefit from further consideration. The recommendation shall clearly state whether the proposal is supported or not by the Panel. The Panel advice will be incorporated as part of the officer assessment, report and recommendation on the proposal including the relevant notes and advice as an attachment.

## **6. Design Advice Outside of City of Subiaco Panel Meetings**

- 6.1. Proposals 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.
- 6.2. Matters involving the clearance of conditions may be referred to the Panel Chairperson outside of a Design Review Panel Meeting as determined by the Manager Planning Services or Council.
- 6.3. Panel members may be requested to attend State Administrative Tribunal (SAT) proceedings in relation to a planning proposal for which they have previously provided design advice to the City.
- 6.4. Panel members may be requested to attend the City's Ordinary Council meetings, Council Briefing Forums, Joint Development Assessment Panel (JDAP) meetings or any other relevant proceedings, in relation to a planning proposal for which they have previously provided design advice to the City.
- 6.5. Panel members may be requested to assist in providing expert design advice to other Local Governments outside of City of Subiaco, as determined by the Manager Planning Services or Council.

## **7. Financial**

- 7.1. Panel Members shall be paid \$225 per hour inclusive of GST up to a maximum of three hours meeting time, or part thereof. The Chairperson shall be paid an additional \$100 per meeting. Members shall invoice every three months, at the beginning of June, September, December and March.
- 7.2. Panel Members shall be paid a mutually agreed rate per item for design advice on a planning matters referred to a Panel member separate from Panel Meetings.
- 7.3. Where a member of the Panel is requested to appear on the local government's behalf as an expert witness at the SAT, the member is to be paid at a mutually agreed hourly rate consistent with the qualifications, experience and professional status of the member.
- 7.4. Where a member of the Panel is requested to attend Council meetings, Council Briefing Forums, JDAP meetings or any other relevant proceeding, the member is to be paid at a mutually agreed hourly rate consistent with the qualifications, experience and professional status of the member.
- 7.5. Where Panel members are requested to provide advice to Local Governments other than City of Subiaco, all associated costs, including Panel member fees and City's Administration costs, will be borne by the recipient Local Government. All costs shall be outlined to, and agreed by, the recipient Local Government prior to any services of the Panel being rendered.
- 7.6. Should a proposal be required to be put to more than three (3) Panel meetings, the applicant will be charged a fee of \$1,350 per hour inclusive of GST, at the discretion of the Manager Planning Services.