
Owner: Planning and Sustainability
Date implemented: July 2022

Policy Supported

This Terms of Reference supplements and should be read in conjunction with the City's Local Planning Policy 4.23: Design Review Panel (LPP 4.23).

Purpose

To set out the administration of the City of Wanneroo's Design Review Panel.

Procedure

1.0 Status and Role of the Design Review Panel

1.1 Members of the Design Review Panel shall not provide advice directly to an applicant, landowner or Council Member in respect to any item under consideration at a Design Review Panel meeting, unless to provide clarification regarding previous Design Review Panel recommendations.

2.0 Membership and Management

2.1 The Director Planning & Sustainability, or any other City officer as delegated by the Director Planning and Sustainability, shall be the Presiding Member of the Design Review Panel meetings.

2.2 One member of the Design Review Panel shall be nominated as the Chairperson of the Panel for the purpose of leading the design discussion. Should the nominated Chairperson not be available for a Design Review Panel meeting any other Panel member may act in the role of Chairperson, as determined by the City.

2.3 The membership of the Design Review Panel shall comprise a group up to eight members.

2.4 Selection criteria for membership on the Design Review Panel includes, but is not limited to:

- a) Demonstrated knowledge of the composition, character and desired built form for the City of Wanneroo;
- b) Possession of relevant qualifications, expertise and experience relevant to the City of Wanneroo, in the following disciplines:
 - i) Urban design and architecture;
 - ii) Landscape architecture; and
 - ii) Energy efficient building design and sustainable development.

- 2.5 Design Review Panel members are appointed by the Director Planning and Sustainability following a public process of expressions of interest. Any nominations with respect to the expressions of interest will be referred to the Director Planning and Sustainability for consideration.
- 2.6 Membership is for a two year period (this equates to one term), although the Director Planning and Sustainability may reappoint any member and members can serve more than one term. Panel Members may be reappointed for a further term of not more than a two year period at the discretion of the Director Planning and Sustainability.
- 2.7 The Director Planning and Sustainability may terminate the appointment of any member of the Design Review Panel prior to the membership term expiring, 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 Wanneroo'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 Wanneroo into disrepute.
- 2.8 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 Director Planning and Sustainability for selection and approval. Failing this, the process set out in item 2.5 above shall be followed. The term for any new appointment is up to the two year date previously determined by the Director Planning and Sustainability, irrespective of how long that remaining time will be.
- 2.9 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.

3.0 Roles and Responsibilities

3.1 Presiding Member

The Presiding Member is responsible for:

- The administration of the Panel meetings to ensure meeting agendas are followed, the panel is introduced to the proponent and the meetings run to schedule;
- Inducting Panel Members and briefing them regarding panel operations;
- Coordinate the meeting location and agendas;
- Reviewing and final approval of minutes prepared by the Chairperson for use by the City; and
- Coordinate the circulating final meeting minutes to the owner and the proponent.

3.2 Panel Chairperson

The Panel Chairperson is responsible for:

- Leading the design discussion;

- Facilitating interactive and collaborative discussion and participation of all parties involved, including panel members, relevant local government attendees and the proponent;
- Recording comments made at the meeting and summarising these at the conclusion of each item;
- Preparing and finalising meeting minutes and if required liaising with other Panel Members in order to provide a final set of design advice to the City following each panel meeting; and
- Briefing decision makers (local government Council's, Development Assessment Panels and State Administrative Tribunal matters) on design advice provided to the City by the Panel where required.

3.3 Panel Members

Panel Members are responsible for:

- Attending meetings when required;
- Providing design advice which aligns with the state and local planning framework for Design Review; and
- Providing feedback to the Chairperson on design advice when required.

4.0 Panel Meetings

4.1 Meetings of the Design Review Panel shall be convened once per month, or as required.

4.2 Design Review Panel meetings are not open to the general public.

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

- a) The Director Planning and Sustainability, or their delegate, in the role of the Presiding Member;
- b) One member of the Design Review Panel, in the role of the Chairperson; and
- c) At least two other Design Review Panel members.

4.4 The location, date and time of the meeting shall be advised to the members of the Design Review Panel at least five working days prior to the meeting.

4.5 Information required to be submitted by the proponent to the City for assessment by the Design Review Panel as set out in LPP 4.23 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.

4.6 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.

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.

- 4.7 The proponent may present plans and relevant information relating to the proposal at the Design Review Panel meeting for a maximum duration of 10 minutes, or another time period agreed by the Presiding Member. 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:
 - i) Relevant development requirements, including rationale for any variations to the development standards; and
 - ii) Design Principles of State Planning Policy 7.0 – Design of the Built Environment.
- 4.8 The Design Review Panel is to provide advice and recommendations on proposals, having regard for matters as contained in LPP 4.23.
- 4.9 Minutes summarising the agreed actions, and relevant comments and recommendations from the Design Review Panel are to be prepared by the Chairperson and provided to the applicant by the City within 10 working days of the meeting occurring.

5.0 Design Advice Outside of Design Review Panel Meetings

- 5.1 The following proposals may be referred to a Panel Member for design review comment outside of a Design Review Panel meeting:
- a) Development of a type referred to in Clause 1.1 of LPP: 4.23, where the Presiding Member or delegate considers that the proposal would benefit from design advice but does not warrant consideration at a Design Review Panel meeting. If the advice is provided prior to an application being submitted it will be at the City's cost, if the advice is provided after lodgement of an application it will be at the cost of the applicant; or
 - b) Development of a type referred to in Clause 1.2 or 1.3 of LPP: 4.23. In such circumstances, initial advice will be provided at the City's cost, irrespective of when a request for design advice is made. Following receipt of a Panel Member's design comments if further advice is required it will be at the cost of the applicant; or
 - c) Where an applicant requests that design advice is provided by a Panel Member to resolve design issues associated with a planning application that have been raised by the City. In such circumstances, the advice will be provided at the cost of the applicant.
- 5.2 Where a proposal is referred to a Panel Member in accordance with Clause 5.1:
- a) The Panel Member is to acknowledge the request for design advice within 48 hours 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 five days of agreeing to provide that advice, or another time as agreed with the Presiding Member or delegate.

5.3 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.

5.4 Panel members shall provide advice in accordance with Clause 4 of LPP 4.23.

6.0 Conflict of Interest

6.1 If a member has an interest in a design review matter that member is required to declare the interest to the City within 24 hours of receipt of the agenda. Subject to the nature of the conflict (outlined under clause 6.2 below) and number of agenda items, the City will advise if a member can still participate in a meeting, or if the member will be replaced by another member of the panel.

6.2 Outlined below are the varying Conflicts of Interest and how they will be dealt with by the City:

- a) Any member who has a proximity interest (owning or having an interest property in close proximity to the proposal subject of the matter before the panel) will not be permitted to participate in any discussion on the item.
- b) Any member who has a direct financial interest in a specific matter being presented to the DRP will not be permitted to participate in discussion on the item. This clause applies where the panel member has directly assisted the landowner or applicant in preparing the item being considered by the DRP.
- c) Any member who has an indirect financial interest in an item may participate in discussion at a DRP meeting. This is subject to the member advising the City of the interest in accordance with clause 5.1, and noting the disclosure prior to discussion at the DRP meeting. An indirect financial interest is where a member has undertaken work or been engaged by the landowner or applicant and received payment, for other matters but has not been involved in any capacity in respect of the application being presented.
- d) Any member who has an impartiality interest in a matter can participate in the consideration of that item as long as the member advises the City of in the interest in accordance with clause 5.1, and the disclosure is noted prior to discussion at the DRP meeting.

7.0 Financial

7.1 All Panel Members are to invoice the City for their attendance at meetings.

7.2 The Panel Chairperson is to be paid:

7.2.1 \$250 per hour for attendance at each Panel meeting, plus one hour of preparation and one hour per item to prepare and finalise the meeting minutes;

7.2.2 \$250 per hour, capped at a maximum of two hours, for design advice on a planning proposal referred to the Panel Chairperson separate from Panel Meetings; and

7.2.3 \$250 per hour, capped at a maximum of four hours, for attendance at a State Administrative Tribunal proceeding, including preparation prior to the proceeding.

- 7.3 The Design Review Panel Members are to be paid:
- 7.3.1 \$200 per hour for attendance at each Panel meeting, plus one hour of preparation;
 - 7.3.2 \$250 per hour, capped at a maximum of two hours, for design advice on a planning proposal referred to the Panel member separate from Panel Meetings; and
 - 7.3.3 \$250 per hour, capped at a maximum of four hours, for attendance at a State Administrative Tribunal proceeding, including preparation prior to the proceeding.