



CITY OF NEDLANDS DESIGN REVIEW PANEL Terms of Reference

Adoption Date: 22 September 2020

1. Statutory basis

- 1.1. The City of Nedlands Design Review Panel (the Panel) is established as a body with which the City of Nedlands (City) may consult in assessing development proposals and other related matters under the provisions of Local Planning Scheme No.3.
- 1.2. The 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:
 - i. Provide independent and impartial recommendations to the City on the architectural and design aspects of any planning proposal or related matter;
 - ii. 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; and
 - iii. 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. 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.
- 1.6. All panel members are required to abide by the local government's Code of Conduct.

2. Membership

- 2.1. The membership of the Panel shall comprise a maximum of six (6) persons.
- 2.2. 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.
- 2.3. Panel members shall be appointed by Council.



- 2.4. 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; or
 - Civil and/or structural engineering
- 2.5. Panel members shall be highly regarded in their profession and respected by the community.
- 2.6. A person who is currently employed by the City of Nedlands or who is an Elected Member of the Nedlands Council is not eligible for appointment as a member of the Panel.
- 2.7. Panel members shall preferably be connected to the City of Nedlands as either a ratepayer, resident, or elector.
- 2.8. Members of the Panel will be sourced via a public process of expressions of interest. All expressions of interest shall include a professional profile addressing the selection criteria detailed in part 5.6 of the *Design Review Guide* published by the Office of the Government Architect.
- 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. Council may terminate the appointment of any member of the Panel prior to the expiry of the term of office.
- 2.11. A chair and deputy chair will be appointed by the election of the Panel.

3. Referrals to the Panel

- 3.1. Referrals to the Panel are outlined in Local Planning Policy – Design Review Panel.



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. Additional meetings may be called for urgent matters or where the number of proposals requires.
- 4.2. Panel meetings will be chaired by a member of the Panel (referred to herein as the Panel Chairperson).
- 4.3. A sitting panel of up to five (5) Panel members (including the Chairperson) shall be selected to attend each meeting, with a minimum of three (3) members required to constitute a quorum.
- 4.4. The selected Panel members should be consistent, as far as practical, where subsequent reviews for the same proposal occur.
- 4.5. 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.
- 4.6. The meeting agenda shall not exceed three hours.
- 4.7. A Panel meeting cannot proceed unless a quorum is present.
- 4.8. Meetings of the Panel are not open to the public.
- 4.9. During meetings Panel Members are permitted to seek clarification from proponents.
- 4.10. Each proposal for consideration shall generally be allocated 50 minutes for presentation, questions and discussion, as follows:
 - Briefing and pre-review panel discussion (panel and administration only) – 10 minutes
 - Applicant Presentation – 10 minutes
 - Panel Questions – 10 minutes
 - Panel Discussion & Assessment (panel and administration only) – 15 minutes
 - Panel recommendation (panel and administration only) – 5 minutes
- 4.11. During the Panel meeting the panel shall provide advice in accordance with the Design Quality Evaluation template as found in the *Design Review Guide* (as amended), with the following headings:
 - Context and Character;
 - Landscape Quality;



- Built Form and Scale;
- Functionality and build quality;
- Sustainability;
- Amenity;
- Legibility;
- Safety;
- Community;
- Aesthetics;

4.12. Advice provided in accordance with clause 4.11 should incorporate commentary on the following:

- Strengths of the proposal;
- Suggested amendments/improvements; and
- Recommendation

4.13. Administrative support to the Panel will be provided by City 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 Urban Planning. Once reviewed they will be forwarded to all Panel members to confirm they are an accurate reflection of the meeting. They will then be formalised at the next available Panel meeting.

5. Panel Roles and Responsibilities

5.1. All Panel members are required to:

- 5.1.1. provide independent, fair and reasonable professional advice relative to the SPP7.0 Design Principles and relevant State and local policies and schemes;
- 5.1.2. treat all discussions and information about applications with sensitivity and confidentiality;
- 5.1.3. respond to and comment on material presented, providing clear and constructive feedback; and
- 5.1.4. declare any financial, proximity and/or impartiality interests in accordance with the City's Code of Conduct at the start of the Panel Meeting.
 - 5.1.4.1. Where an interest exists, the member must disclose the interest to the Panel Chairperson as soon as possible, and before the meeting to ensure there is a quorum for all items.

5.2. All disclosures of interest will be recorded in the Panel meeting notes.



- 5.3. The Panel Chairperson is primarily tasked with running Panel meetings and is responsible for:
 - 5.3.1. liaising with the nominated local government officer about the operation of the panel including advice regarding additional briefing material or requirements;
 - 5.3.2. ensuring new members have been inducted and are briefed about panel operations;
 - 5.3.3. ensuring that the meeting agenda is followed;
 - 5.3.4. welcoming and introducing the panel, proponents and any observers present in the meeting;
 - 5.3.5. facilitating interactive discussion and participation of all Panel members, key local government attendees and proponents, enabling solutions to be brokered collaboratively;
 - 5.3.6. ensuring that discussions remain focussed on the application being considered and that advice relates to matters covered by the State Planning Policy 7.0 Design Principles, relevant State and local policies and schemes;
 - 5.3.7. ensuring consistency of panel advice between reviews;
 - 5.3.8. summarising the consensus view of the panel at the conclusion of the meeting;
 - 5.3.9. endorsing the final design review report or meeting minutes post meeting; and
 - 5.3.10. briefing decision-makers on panel advice when required.

6. Panel Recommendation

- 6.1. The Panel's comments will be provided to the applicant to assist in the development of the design. The Panel will make a recommendation regarding the elements of the design and advise that they are supported; requires further attention; or not supported.
- 6.2. The Panel shall clearly state whether the proposal overall is supported; requires further attention; or not supported.
- 6.3. For proposals reviewed post-lodgement, in addition to that outlined under clauses 6.1 and 6.2, the Panel advice will be incorporated as part of the officer assessment, report and recommendation on the proposal.



7. Design Advice Outside of Panel Meetings

- 7.1. Proposals may be referred to a Panel member outside of a Panel meeting where the City considers that the scale of the proposal does not warrant review by the whole Panel.
- 7.2. Matters involving the clearance of conditions may be referred to a Panel member outside of a Panel meeting as determined by the Manager Urban Planning or Council.
- 7.3. 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.
- 7.4. 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.
- 7.5. Panel members may be requested to assist in providing expert design advice to other Local Governments outside of City of Nedlands, as determined by the Manager Urban Planning or Council.

8. Financial

- 8.1. The Panel Chairperson shall be paid \$250 per hour inclusive of GST (\$227 per hour exclusive of GST) up to a maximum of three hours meeting time, or part thereof, plus a maximum of one hour of preparation time prior to the meeting.
- 8.2. Panel members shall be paid \$225 per hour inclusive of GST (\$205 per hour exclusive of GST) up to a maximum of three hours meeting time, or part thereof, plus a maximum of one hour preparation time prior to meeting.
- 8.3. Panel members shall invoice every three months, at the beginning of June, September, December and March.
- 8.4. Panel members shall be paid a mutually agreed rate per item for design advice on planning matters referred to a Panel member separate from Panel Meetings.
- 8.5. 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.
- 8.6. 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.

- 8.7. Where Panel members are requested to provide advice to Local Governments other than City of Nedlands, 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.
- 8.8. The proponent is required to pay for the full costs associated with holding a Panel meeting, excluding the City's administrative costs.