

## CITY OF SOUTH PERTH – Design Advisory Committee

Attached is a copy of the Council's Policy P371-T Design Advisory Committee (DAC). While the policy has been modified it has been in place for approximately 20 years.

The DAC commenced in South Perth in 1962, originally without any guiding policy.

In discussion with the Senior Planner, the advice received was that most of the policy not applied. For example, no councillors attend.

The current DAC comprises 7 members, including 4 local architects (Fred Zuideveld, Bill Hames, Peter Jodrell & Ian Harris). The Manager Development Services, the Senior Planner and a Secretary.

The DAC considers all major developments and applications for developments that don't comply. The criteria used to consider these applications is delegated from the Council.

The Committee receives a verbal presentation on the proposal and deals with 6-10 applications each month during a 2.5 – 3.0 hour meeting.

**POLICY P371\_T**  
**(FORMERLY PLANNING POLICY NO. P4)**

**DESIGN ADVISORY COMMITTEE**

**NOTE:** THIS AND OTHER TOWN PLANNING POLICIES ARE CURRENTLY BEING REVIEWED. IT IS EXPECTED THAT THIS POLICY WILL REMAIN IN PLACE UNTIL THE GAZETAL OF THE NO. 6 TOWN PLANNING SCHEME IN EARLY 2003, AT WHICH TIME A RANGE OF MODIFIED POLICIES WILL BE INTRODUCED.

**1. TIMING OF IMPLEMENTATION**

This policy is operative as from 25 September 1986, being the date of final gazettal of the City of South Perth Town Planning Scheme No 5. The policy replaces the provisions of the No 2 Town Planning Scheme relating to the Design Advisory Committee. The No 2 Scheme was revoked upon gazettal of the No 5 Scheme.

**2. MEMBERSHIP**

- 2.1 Within Council's staff resources, expertise is available in relation to Town Planning and Traffic Engineering. Consequently, Council considers that in selecting the membership of the Design Advisory Committee, consideration should be given to Council's own expertise.
- 2.2 The Committee shall consist of up to nine (9) members, a majority of whom shall be architects.
- 2.3 The composition of the Committee shall be as follows:
  - (i) one Councillor, being the Councillor elected to the position of Chairman of the Technical Services Committee, or a deputy appointed to act in his/her absence. First and second deputies, being other members of the Technical Services Committee, shall be appointed in May each year. The Councillor shall automatically assume the position of Chairman of meetings of the Design Advisory Committee;
  - (ii) up to two (2) members being Registered Builders, Real Estate Agents or Sociologists, who hold qualifications or are experienced in a discipline considered by Council to be appropriate; and
  - (iii) up to six (6) architects.

**3. APPOINTMENT AND TERMINATION OF MEMBERS**

- 3.1 The primary criteria for selection of members to represent the various disciplines referred to in Sections 2.3(ii), and 2.3(iii) of the Policy are:
  - (i) level of expertise in a relevant discipline; and
  - (ii) ability to make a useful contribution towards improving the amenities of the District, by reason of their having acquired experience relevant to the future development of the City of South Perth.
- 3.2 While being mindful of the criteria referred to in part 3.1 of the Policy, the method of selection of members will be determined at the discretion of the Council.

- 3.3 Any member other than the Chairman will preferably be an elector of the City of South Perth. His/her appointment will be effective from the date of Council's receipt of written acceptance of an invitation from Council concerning the appointment.
- 3.4 With the exception of the Chairman, the term of office of any member shall be a maximum of four (4) years. However, the Council reserves the right to re-appoint any member for a further term or terms of office.
- 3.5 Council may terminate the appointment of any member other than the Chairman prior to the expiry of his/her term of office.

**APRIL 1999**

#### **4. FUNCTIONS OF THE COMMITTEE**

- 4.1 The Committee shall examine the drawings of all major development projects proposed for the District and any minor projects which, in the opinion of the Officers Nominated in Planning Policy No 2, should be referred to the Committee in order to assist Council in its deliberations. In formulating suggestions or recommendations for consideration by Council, the Committee shall consider the merits or adverse effects of any proposed development in terms of:
  - (i) the objectives of existing zoning or any proposed alternative zoning;
  - (ii) the potential impact of the proposed development on the surrounding locality having regard to the maintenance of visual harmony with existing buildings; the comparative scale of existing and proposed buildings; the maintenance of privacy for the occupants of existing buildings; the effect of increased traffic movement in the locality; the preservation of views as far as reasonably possible, for the occupants of existing buildings.
  - (iii) market demand;
  - (iv) the age bracket, family and socio-economic grouping of potential occupants of the proposed building(s);
  - (v) social interaction between occupants of existing buildings and potential occupants of proposed buildings; and
  - (vi) the standard of site planning and building design.
- 4.2 The Committee may be consulted by Council and may convey recommendations or advice to Council in respect of the following:
  - (i) Council development projects which may be referred to the Committee at the discretion of the relevant Division or Department Manager or at the direction of the Council; and
  - (ii) Special study areas.
- 4.3 At the discretion of the Council, certain proposed amendments to the No 5 Town Planning Scheme may be referred to the Committee for comment.
- 4.4 From time to time as the circumstances dictate, the Council may refer other specific matters to the Committee for comment.

#### **5. NOTICE OF MEETINGS**

- 5.1 Notice of meetings shall be given by way of the distribution of Agendas to all members at least one week in advance of meeting dates. The Agendas will provide only descriptive headings of items to be discussed; and

- 5.2 Where extraordinary meetings of the Design Advisory Committee are called by the Officers Nominated in Planning Policy No 2 and no Minutes are circulated to Councillors, the Officers Nominated in Planning Policy No 2 shall submit a report to the next meeting of the Technical Services Committee outlining the reason for the meeting and the conclusion reached.

APRIL 1999

**6. MEETING PROCEDURE**

- 6.1 Councillors who are not members of the Design Advisory Committee may attend any meeting of the Committee as observers.
- 6.2 The manner in which meetings are conducted will be a matter for the discretion of the Chairman.

**7. FORM OF MINUTES**

The minutes shall be presented in the form of:

- (i) an explanatory comment on each application conveying the Committee's general views and concerns about the application;
- (ii) formal recommendations to Council reflecting the views of the majority of members present at the meeting; and
- (iii) additional informal comments conveying the views of individual members, which may be included at the request of any member, subject to the approval of the Chairman.

**8. ATTENDANCE AT THE TECHNICAL SERVICES COMMITTEE MEETINGS**

The members of the Design Advisory Committee shall be invited to attend the April meeting of the Technical Services Committee in each alternate year to provide an opportunity for the members of the two Committees to exchange opinions on relevant planning and design issues.

**9. FEES**

- 9.1 Fees for attendance at meetings will be payable to all members other than the Chairman. The level of fees will be as set by Council from time to time, and shall be reviewed at three-yearly intervals at the March Council meeting; and
- 9.2 On occasions when members of the Design Advisory Committee appear on Council's behalf as expert witnesses at the "Town Planning Appeals Tribunal", those members shall be paid Professional Witness Fees in accordance with the appropriate schedule relating to such fees.

APRIL 1999

#### TOWN OF VICTORIA PARK – Design Review Group

The attached extract of minutes from the Council meeting on 5 July, 2005 provides a good overview of the role, membership and operations of the Design Review Group at the Town of Victoria Park.

## **1.8 Membership and Status of Design Review Group**

<b>File Ref:</b>	PLA0001	<b>In Brief</b> <ul style="list-style-type: none"><li>• Council's Design Review Group has operated successfully over the past four years.</li><li>• Current members of the Design Review Group have established knowledge and experience in relation to the Town.</li><li>• Recommend that the Design Review Group be appointed as a Committee of the Council.</li><li>• Recommend that current members of the Design Review Group be reappointed given the benefits of their experience and continuity with major projects.</li></ul>
<b>Appendices:</b>	No	
<b>DA/BA or WAPC Ref:</b>	N/A	
<b>Date:</b>	29 June 2005	
<b>Reporting Officer:</b>	C Eaton	
<b>Responsible Officer:</b>	C Eaton	

### **TABLED ITEMS:**

- Extract of Minutes of Ordinary Council Meeting Tuesday, 26 June 2001 relating to Expressions of Interest – Design Review Group
- Extract of Minutes of Council Meeting held 8 April 2003 relating to Membership of Town of Victoria Park Design Review Group.
- Letters from the eight current Design Review Group members expressing interest in remaining members of Council's Design Review Group.
- Extract of Minutes of EMBS held 26 April 2005.
- Extract of Minutes of OCM held 3 May 2005.

### **BACKGROUND:**

Council resolved at its Meeting held 13 March 2001, to endorse the establishment of a Design Review Group for the purposes of advising the Council in respect to design matters for planning applications and issues. Council sought expressions of interest for membership of the Design Review Group and resolved at its Meeting held 26 June 2001, to appoint eight members to the Design Review Group for an initial period of two years.

Council endorsed the following matters associated with the Design Review Group in respect of membership, appointment and termination of terms for members and the role of the Design Review Group:

“B. The following matters associated with the formation of a Design Review Group be endorsed :

Membership

*The Membership of the Design Review Group is to comprise of:*

- 1. Executive Manager Planning and Development Services;*
- 2. Manager Planning Services and*
- 3. Up to 8 professionals qualified and experienced in the area of Architecture and/or Urban Design, Landscape Architecture and Assessment/Auditing of Energy Efficiency of Buildings.*

*The Group to be provided with administrative support by a Council Planning Officer*

Appointment and Termination of Terms for Members

*Appointments of Members will be based on consideration of their qualifications and experience which must include having been involved in the design and/or assessment of major development applications of the kind which the Group will be required to assess as part of its role.*

*With the exception of Council Officers, the term of office for any Group member will be a maximum of 2 years and Council will reserve the right to reappointment any member.*

*Council may terminate the appointment of any member of the Group prior to the expiry of a term of office.*

Role of Design Review Group

*To provide advice to Council on applications in respect to structure plan proposals and major development applications where the value of the development exceeds \$5m and to include all developments involving buildings in excess of 3 storeys.*

*A minimum of 3 members of the Group (other than Council staff) are to be selected in respect to the assessment of a particular matter or application.*

*The decision to refer any other applications or matters to the Group will be at the discretion of the Executive Manager Planning and Development Services and/or the Council by a decision made at an Elected Members Briefing Session or Council Meeting.*

*All applications and matters will be assessed having regard to the provisions of the Town Planning Scheme and Council Policies.”*

A further report was presented to Council at its Meeting held 8 April 2003, when Council resolved the appointment of the current members of the Council's Design Review Group be extended for a further two year period until 26 June 2005.

**Legal Compliance:**

In discussions with the current Design Review Group members about potential reappointment, the issue of professional indemnity insurance has been raised by some of the members. These members have reduced the volume of work that they undertake and in some cases their most significant source of work is serving on Council's Design Review Group. As such the cost of maintaining professional indemnity insurance is unrealistic given the volume of work and payment they receive over the period of a year for their fees associated with the Council's Design Review Group. These Design Review Group members have therefore advised that if they are required to hold professional indemnity insurance at the level required by Council under the standard consultancy agreement requirements it may preclude them from serving on the Design Review Group.

Legal advice was sought from Council Lawyers, Corrs Chambers Westgarth in relation to the Design Review Group including the necessity for professional indemnity cover for members of the Design Review Group. The legal advice from Corrs Chambers Westgarth included an option suggesting that if the Design Review Group is a Committee of Council, Section 9.56 of the Local Government Act affords some protection to members. If the group is a committee, each member of the group is a “protected person” for the purposes of Section 9.56. An action in tort does not lie against a member for anything that the member does in good faith, in the performance or purported performance of a function.

The establishment of the Design Review Group as a Committee of Council is seen as a practical solution to the issue of professional indemnity. It must be recognised that the risk of claims is extremely low given that there have not been any claims or threats of claims in the last four years that the Design Review Group has been operating and by the nature of the type of service they provide.

The role of the Design Review Group is to provide advice to Council on applications, not make any determinations or decisions, as it has no delegated authority from Council. There are two main implications of establishing the Design Review Group as Committee of Council and they are discussed below:

- (a) Section 5.15. of the Local Government Act provides for Council to reduce the number of committee members required for a quorum at a committee meeting if there would not otherwise be a quorum of the meeting. Typically in the past sub-groups of the Design Review Group have been



selected to deal with specific applications or projects and generally involve one member from each discipline in addition to a council officer. As such the selection of a permanent quorum of four is considered appropriate for the committee. The number of committee members will total ten.

- (b) Section 5.100 stipulates that a person who is a committee member but not a council member or an employee cannot be paid a fee for attending any committee meeting. Members of the Design Review Group are paid an hourly rate for the assessment of projects including discussion and meeting with council officers and applicants.

The final decision of the Design Review Group occurs following the assessment and those discussions in terms of whether the Design Review Group is prepared to recommend approval or refusal of an application or provide final recommendations on a project to the Council.

It is intended that the members would continue to be paid for the assessment of applications and meetings with council officers and applicants and for work on other projects that they have been selected to undertake. The discussions with council officers and applicants have always been documented in meeting notes or meeting minutes.

Under the current proposal for the Design Review Group to be appointed as a committee of Council formal minutes of the committee meeting will need to be taken when the committee is at a point that it is able to determine a collective position and to advise Council of its recommendation in respect to a specific application or project. The Committee members would not be paid for the time attending those formal committee meetings.

The minutes of the committee meetings would need to be reported to Council as is the case for any other committee of the Council. The minutes would need to be included in Council agenda and the responsible officer's report would need to include a recommendation that the minutes be received/endorsed whichever is applicable in the circumstances.

#### **Financial Implications:**

The Design Review Group includes experienced professionals who have been appointed to the group on the basis of a payment for their services on an agreed hourly rate. There is specific provision made in the annual budget for costs associated with payment of members of the Design Review Group.

Recent letters from the Design Review Group members expressing interest in remaining members of the group have provided an hourly rate for fees associated with their ongoing involvement beyond 26 June 2005. The increase in fees proposed by each of the members varies from nil to 25% with the overall increase in the total hourly rate of the combined membership being 9.9%.

It is proposed to appoint the Design Review Group as a Committee of Council. An enquiry with Council's insurer about the role of the Design Review Group has established that in their view the better option is that the DRG members are made members of a Committee of Council and this would ensure that they are covered by Council's Professional Indemnity Insurance.

As noted in the Legal Compliance section of the report above, the committee members would be paid for their services with the exclusion of attendance at a committee meeting.

**COMMENT:**

It is recommended that Council consider an extension to the term of the current membership of the Design Review Group for a further period of two years on the basis of it being established as a Committee of the Council. It is considered that this would be advantageous from the Town's point of view as the Design Review Group members have now built up knowledge, experience and understanding of issues relevant to the Town and their ongoing involvement in major projects.

Those major projects include the proposed structure plan for the Belmont Park Racecourse site, the ongoing assessment of developments applications for "the Peninsula" project being undertaken by Mirvac Fini and tasks associated with the review of specific Precinct provisions within the current Town Planning Scheme.

All eight members of the Design Review Group have expressed interest in extending their terms and correspondence from each of the members is tabled together with a proposal for their fees based on an hourly rate.

The involvement of the Design Review Group has provided valuable input to both the administration and the Council in the assessment of more complex planning proposals for the Town, by providing a range of design expertise appropriate for the scope of larger proposals being assessed and determined by the Council. From the point of view of the Executive Manager Planning and Development Services and the Manager Planning Services the current members have been very professional, skilled in design issues and being able to negotiate with applicants to achieve improved outcomes for the Town.

It is recommended that the Design Review Group be appointed as a Committee of Council pursuant to Section 5.10 of the Local Government Act. The general practice in the past has been to establish subgroups of the Design Review Group to deal with specific applications or projects and generally this has involved one member from each discipline in addition to a Council Officer.

The alternative of nominating all members of the Design Review Group and the Executive Manager Planning and Development Services and Manager Planning Services as members of the Committee would resolve in a Committee of ten

requiring a quorum for any meeting of five members which would be unnecessary and unworkable.

It is recommended that the Committee members be as follows:

Council Officers	Executive Manager Planning and Development Services	Manager Planning Services
Landscape Architects	Tony Blackwell	Mike Tooby
Consultants in Building Services	Glen Tatam	Robert Mulcahy
Architects	Linley Lutton	Tony Ednie- Brown
Urban Designers	George Gillan	Annelise Safstrom (formerly Anne Dunlop)

The proposed Terms of Reference of the Committee are as follows:

*“To provide advice to Council on applications in respect to structure plan proposals, major development applications where the value of the development exceeds \$5m and include all developments involving buildings in excess of 3 storeys. To provide advice to Council in respect to provisions of the Town Planning Scheme and advice on appropriate review and amendment of the Scheme provisions.*

*The Committee to meet with applicants, land owners and other relevant Council staff and Council appointed consultants as part of their role in advising Council.*

*The decision to refer any other applications or matters to the Design Review Group will be at the discretion of the Executive Manager Planning and Development Services and/or the Council. The quorum for a meeting of the Committee is to be four.”*

This report was considered at the Elected Members Briefing Session on 26 April 2005, when it was considered that Council should seek some advice from an insurance broker about costs associated with professional indemnity for the Design Review Group. The matter was also considered by Council at its Meeting held 3 May 2005, where concern was expressed about the issue of the ability of Elected Members to attend meetings of the Design Review Group if it was established as a Committee of the Council. As a result an additional part was added to the recommendation to be preclude attendance by Elected Members or members of the public at meetings of the Design Review Committee.

Given that there were still outstanding concerns in relation to the matter of professional indemnity insurance and establishing the group as a Committee of

the Council, and then precluding attendance by Elected Members and members of the public, it was resolved that the item be deferred.

Advice from Council's insurer is that professional indemnity insurance cover could not be obtained for any of the existing Design Review Group members who already have professional indemnity insurance. Council's insurance broker requested two insurers to quote on providing P.I. insurance for the Design Review Group members on an individual basis. The insurers contacted advised that they did not want to quote on the business and if they did quote the minimum premium would be \$10,000 per person.

The insurers preferred position is to have the group established as a Committee of the Council as this will give the Council the confidence that the insurance cover provided is correct and adequate for the purpose. The other consideration is that there would be some inequity if Council provided some members of the DRG insurance cover and not others who were already insured.

The appointment of the Group as a Committee of the Council is still considered to be the most appropriate option in dealing with the matter to obviate the need for all of the members having professional indemnity cover.

**RESPONSIBLE OFFICER RECOMMENDATION:**

**A. Council appoint a Design Review Committee pursuant to Section 5.10 of**

<b>Council Officers</b>	<b>Executive Manager Planning and Development Services</b>	<b>Manager Planning Services</b>
<b>Landscape Architects</b>	<b>Tony Blackwell</b>	<b>Mike Tooby</b>
<b>Consultants in Building Services</b>	<b>Glen Tatam</b>	<b>Robert Mulcahy</b>
<b>Architects</b>	<b>Linley Lutton</b>	<b>Tony Ednie- Brown</b>
<b>Urban Designers</b>	<b>George Gillan</b>	<b>Annelise Safstrom (formerly Anne Dunlop)</b>

**B. The Terms of Reference of the Design Review Committee be as follows:**

**"To provide advice to Council on applications in respect to structure plan proposals, major development applications where the value of the development exceeds \$5m and include all developments involving buildings in excess of 3 storeys. To provide advice to Council in respect to provisions of the Town Planning Scheme and**

advice on appropriate review and amendment of the Scheme provisions.

The Committee to meet with applicants, land owners and other relevant Council staff and Council appointed consultants as part of their role in advising Council

The decision to refer any other applications or matters to the Design Review Group will be at the discretion of the Executive Manager Planning and Development Services and/or the Council.”

- C. The quorum for a meeting of the Design Review Committee is to be four (4).

RESOLVED

Councillor Hayes moved Councillor Mason seconded

The recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

#### CITY OF PERTH – DAC (Interview with City Architect – Craig Smith)

The Design Advisory Committee is a Committee of the Council and is made up of external professionals in the field of urban design, architecture and town planning plus the CEO and Director of Planning and Development (see attachment).

The external committee members are nominated by their respective professional institutions, however they do not represent or present the views of those institutions.

The DAC deals with all bonus plot ratio applications. In terms of design issues, whether an application or referred to the committee is somewhat arbitrary, although almost all medium and large scale projects are referred.

The committee works within the Council meeting cycle, thereby avoiding any further delays to the processing of applications.

The committee has very clear objectives in relation to architectural outcomes and design review provisions.

It is believed that early intervention in the process is critical and to this end the applicants (usually architects) are encouraged to participate in the process before the design is too advanced. The committee operates at two levels. The first is a “round table” discussion with the applicant (usually with the City Architect) and the second is the formal review with a presentation to the committee. The final deliberation by the committee is behind closed doors and a recommendation is made to the Council.

<b>TOWN OF COTTESLOE POLICY</b>
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## **DESIGN ADVISORY PANEL**

### **(1) OBJECTIVE**

To provide operating guidelines for the Design Advisory Panel.

### **(2) PRINCIPLES**

- 2.1 The provision of urban design advice to Council and the encouragement of higher standards of design for developments within the Town of Cottesloe is a highly desirable goal.
- 2.2 Specifically, Council requires professional advice when considering:
  - Significant or potentially contentious development proposals .
  - Proposals that significantly impact on environmental values and the natural heritage.
  - Precinct and major site design issues, including town centre, open space or transport proposals with urban design implications.
  - Urban design guidelines for built form and the public domain.
  - Amendments to the town planning scheme that have an important design component.
  - The relationship of a proposal to built heritage in an urban design sense.
- 2.3 Resource constraints can limit the capacity of Council to obtain this advice from within Council's own staff and/or the private sector.
- 2.4 Within the Cottesloe community, there are a number of resident professionals who are prepared to provide advice at little or no cost to the Town of Cottesloe for the betterment of the community.
- 2.5 Collectively, these professionals offer a wider perspective with a relative degree of independence that can draw on comparative experience.
- 2.6 The provision of this advice, while not binding on the Council, enables Council to make better informed decisions.

### **(3) ISSUES**

- 3.1 Ensuring that a range of professional advice is received on different aspects of urban design and development applications.
- 3.2 Ensuring that there is an appropriate turnover in the membership of the panel.
- 3.3 Ensuring freedom from bias and conflict of interest.

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- 3.4 Aiming to achieve a consensus that while reflective of community and Council aspirations, is also mindful of current urban design practice.
- 3.5 Ensuring that panel members are aware of the expectations placed on them by the Council.
- 3.6 Ensuring that basic operational procedures are documented and provide a degree of accountability and transparency in the operations of the panel.
- 3.7 Ensuring without-prejudice advice and appropriate confidentiality in dealing with proposals and decision-making processes.
- 3.8 Ensuring a focus on goodwill and a constructive attitude to participating in the appraisal of proposals for the enhancement and betterment of the Town's built environment.

### **(4) POLICY**

#### **4.1 Application of Part 5 of the Local Government Act**

In order to give effect to the policy, the Design Advisory Panel shall not constitute a committee as defined under Part 5 Division 2 Subdivision 2 of the *Local Government Act 1995*.

#### **4.2 Membership**

The Design Advisory Panel shall consist of

- (a) one elected member elected by the Council immediately after each ordinary local government election, who shall act as the presiding member of the panel or a deputy appointed by the Council to act in his/her absence;
- (b) six electors, who shall have professional expertise in one or more of the following areas:
  - architecture
  - landscape architecture
  - town planning
  - urban design
  - property development/construction
  - heritage issues
  - conservation of the natural environment

#### **4.3 Appointment & Termination of Members**

- (a) The CEO shall call for nominations to the Design Advisory Panel immediately after each ordinary local government election and the Council shall at the first opportunity elect panel members and up to four deputies from amongst the nominees.
- (b) With the exception of the presiding member, the term of office of any member shall ordinarily be a maximum of four years however the Council may re-appoint any member for a further term of office.
- (c) With the exception of the presiding member, Council may terminate the appointment of any member prior to the expiry of his/her term of office, for any reason as it sees fit.



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- (d) At its discretion, Council may appoint a person in the place of any member of the panel whose appointment it revokes, or who resigns or is unable to act, without calling for nominations.

### 4.4 **Convening & Recording Meetings**

- (a) The Design Advisory Panel shall meet on a needs-only basis as items are referred through to it from Council or the Manager Development Services.
- (b) Council members shall be advised of meetings of the panel so that they may attend the meeting as observers.
- (c) Executive support to the panel shall be provided by the Manager Development Services or his/her representative.
- (d) Agenda papers with descriptive headings of the items and a short summary of the issues to be discussed shall be provided by the Manager Development Services to the panel members at least 72 hours prior to the meetings.
- (e) Minutes of the meetings shall be kept by the Manager Development Services and shall be in the form of:
  - (i) an explanatory comment on each matter conveying the Committee's general views and comments about the application; and /or
  - (ii) formal recommendations to Council reflecting the views of the majority of members present at the meeting; and/or
  - (iii) informal comments conveying the views of individual members, which may be included at the request of any member; and
  - (iv) disclosure of any conflict of interest.
- (f) Minutes of the meetings shall form part of the public record by incorporation into the agenda papers of the Council.
- (g) Minutes of each meeting are to be confirmed at the next meeting of the panel.

### 4.5 **Conduct of Meetings**

- (a) The conduct of meetings shall be at the discretion of the presiding member.
- (b) Members of the panel are to be provided with a copy of the Town of Cottesloe's *Code of Conduct for Elected Members & Staff* and informed of a requirement to comply with Part 1 of the code relating to conflicts and the disclosure of interests.
- (c) At the discretion of the presiding member, meetings will not generally be open to the public.
- (d) Meetings may also be attended by additional officers or other elected members.
- (e) The panel may seek comment from individuals, groups or agencies but has no role in conducting public consultation on behalf of Council.
- (f) The panel may seek further information or meet with applicants/proponents and their representatives to be informed of a proposal by way of questioning and discussion.

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- (g) No debate shall take place while the applicants are present and only after the applicants have left the meeting shall the panel then form its view regarding that proposal.
- (f) Alternatively, the panel may recommend that Council defer a decision, or a matter, until such time as the information becomes available.
- (g) The Council shall not be bound by any comment or recommendation of the panel.

### 4.6 Functional Role of the Panel

- (a) The Council or the Manager Development Services may refer the following matters to the panel for advice and recommendation:
  - Significant or potentially contentious development proposals.
  - Precinct and major site design issues.
  - Urban design guidelines for built form and the public domain.
  - Amendments to the town planning scheme that have an important design component.
- (b) The panel shall consider the merits or adverse effects of any proposed development in terms of:
  - (i) the regional and local strategic contexts of the proposal in relation to its site and setting, from an urban design perspective.
  - (ii) the objectives of existing zoning or development controls and any proposed alternative zoning or development controls;
  - (iii) the potential impact of the proposed development on the surrounding locality having regard to:
    - the maintenance of visual harmony with existing buildings;
    - the comparative scale of existing and proposed buildings;
    - the maintenance of privacy for the occupants of existing buildings;
    - overshadowing of private or public buildings and open spaces.
    - the effect of increased traffic movement in the locality, including pedestrian activity;
    - the preservation of views as far as reasonably possible, for the occupants of existing buildings.
  - (iv) suitability for the demographic and socio-economic profile of potential occupants of the proposed development);
  - (v) social interaction between occupants of existing buildings and potential occupants of proposed buildings, in terms of design details; and
  - (vi) the standard of site planning and building design.
  - (vii) the contribution that the proposal may make to the public domain in terms of built form, facilities and infrastructure.

**RESOLUTION NO:** 10.2.9

**ADOPTION:** May 2005

**REVIEW:** May 2013

**CITY OF JOONDALUP  
DESIGN ADVISORY PANEL  
TERMS OF REFERENCE**

1. DEFINITIONS

Council	Council of the City of Joondalup
Panel	Design Advisory Panel

2. MEMBERSHIP

The Panel shall consist of the following members:

- 2.1. 1 member and 1 deputy member representing the disciplines of architecture, planning, urban design and landscape architecture from names put forward by each of the following institutions:

- a) Royal Australian Institute of Architects (RAIA)
- b) Planning Institute Australia (PIA)
- c) Australian Institute of Landscape Architecture (AILA)

- 2.2. The Chief Executive Officer or his nominee as convenor and chair

3. OBJECTIVES

- 3.1 To provide design advice to the Council on major and/or significant development applications (Major and/or significant development applications are those which have a stated value in excess of \$10m, are greater than 4 storey in height and/or is likely to have a significant impact on the streetscape. These applications are most likely to be in the City Centre.

4. MANAGEMENT

- 4.1 Terms of Appointment  
Appointments to the Panel shall be by the Council selected from persons nominated by each of the professional institutions referred to in 2.1.

Membership is for a two-year period in line with Council elections. After this two year term, all individuals must stand down. The process of appointment for the subsequent two year period will follow the Council Elections. Members can serve more than one term.

- 4.2 The Chairperson of the Panel will be the Chief Executive Officer.

- 4.3 The Panel or Panel members may be involved in providing advice on a particular proposal either prior to, or following lodgement of a development application.

4.4 The attendance and/or participation of all Panel members or their deputies for each application to be assessed is not essential and will depend on the nature of the application and the issues to be considered.

4.5 Payment

The members of the panel representing the professional institutions will be paid an hourly rate for the time spent assessing applications, including discussions with the City's officers and applicants. As estimate of the time required to undertake this assessment outside convened meeting times must be agreed by the Panel convenor prior to any time being expended.

5. MEETINGS

5.1 Meetings of the Panel shall be convened as required but if required, within sufficient time for the application to meet deadlines for Council meetings.

5.2 Advice

Notes of all meetings shall be made including the Panel's advice to the Council. That advice will be incorporated in the officer's report on the matter to the Council.

Any advice to the Council must have regard to the statutory obligations of the Council.