



# Western Australian State Design Review Panel

## Terms of Reference

The terms of reference for the State Design Review Panel of the Western Australian Planning Commission.

*June 2019 (Amended June 2022)*

<b>Committee Title</b>	<b>State Design Review Panel</b>
<b>Effective Date</b>	<b>June 2022</b>

## 1. PURPOSE

The purpose of the State Design Review Panel (SDRP) is to enhance the design quality of our shared built environment in the interests of all Western Australians. The projects that Design Review deals with are usually of public significance and the process is designed to improve the quality of buildings and places for the benefit of the public.

The SDRP supports the implementation of the Western Australian Planning Commission's (WAPC) State Planning Policies relating to the design of the built environment by evaluating proposals against the Design Principles set out in *State Planning Policy 7.0* and demonstrating a 'best practice' model and benchmark for design review in Western Australia.

Independent evaluation and advice are provided to improve the design of development and infrastructure proposals, assist with achieving best value for money outcomes to ensure that projects maximise their contribution to the built environment for the benefit of the community.

The SDRP was established by the WAPC to provide independent, expert advice to Government agencies, decision makers and proponents regarding the design quality of a range of project types.

## 2. ROLE

The role of the SDRP is to review the design quality of State significant and strategic projects. The Panel may also advise on design quality matters relating to planning strategies, master plans, precinct structure plans, structure plans, and planning scheme amendments, where these are considered to have strategic significance and any other matter as required by the Commission.

## 3. DESIGN REVIEW IN THE PLANNING SYSTEM

*State Planning Policy 7.0 - Design of the Built Environment* (SPP 7.0) includes performance-based design principles, which provide a guide to achieving good design outcomes. The Policy also provides the means for evaluating the merit of project proposals through design review, which uses experienced multidisciplinary professionals to provide expert advice. Performance-based design principles identify the objectives to be met within a project without prescribing how to achieve them. Design review is an essential component of this approach, offering qualitative judgement to determine whether the required performance outcomes have been achieved in any given proposal.

A key component of the implementation of SPP 7.0 is the integration of design quality assessment into the planning system.

SDRP reviews will be undertaken in accordance with the model process outlined in the State's *Design WA: Design Review Guide*, which is based on design review methodology considered to be international best practice and used in successful government design review processes throughout Australia. The 10 Design Principles from SPP7.0 are used as the basis for design review and reporting.

## 4. DESIGN REVIEW PROTOCOLS

For design review to be effective, it must be resourced appropriately and conducted in a manner that is fair, robust and credible. The SDRP follows 'best practice' protocols to guide the review process and set an appropriately high standard of conduct from Panel members:

- **Independent**  
It is conducted by people who are not connected with the proposal's promoters and decision-makers and ensures that conflicts of interest do not arise.

- **Expert**  
It is carried out by suitably qualified people who are expert in design, experienced in review and know how to critique constructively. Review is usually most respected when it is carried out by professional peers of the project designers, because their standing and expertise will be acknowledged.
- **Multi-disciplinary**  
It combines the different perspectives of architects, urban designers, planners, landscape architects, engineers, and other specialist experts to provide a complete, rounded assessment.
- **Accountable**  
The SDRP, and the advice that it provides, must be clearly seen to work for the benefit of the public.
- **Transparent**  
The SDRP's remit, membership, governance processes, and funding are in the public domain.
- **Proportionate**  
It is used on projects whose significance (either at local or State level) warrants the investment needed to provide the service.
- **Timely**  
It takes place as early as possible in the design process, because this can avoid a great deal of wasted time. It also costs less to make changes at an early stage.
- **Advisory**  
The SDRP does not make decisions, rather it offers impartial advice that informs recommendations to the people who do.
- **Objective**  
It appraises proposals according to reasoned and objective measures, rather than the individual taste and subjective preferences of Panel members.
- **Accessible**  
The recommendations arising from design review are clearly expressed in terms that design teams, decision-makers and the public can all understand and make use of.

## 5. DESIGN PRINCIPLES

The Design Principles in SPP 7.0 establish a definition of 'good design' that inform the design, review and decision making processes for built environment proposals across the State.

See <https://www.dplh.wa.gov.au/getmedia/30f0b7b9-9ac0-4711-8b68-c2d2708e5764/SPP-7-0-Design-of-the-Built-Environment> for the Design Principles.

## 6. GOVERNANCE

The SDRP is a Committee of the Western Australian Planning Commission (WAPC) established under Schedule 2 of the *Planning and Development Act 2005* on 3 April 2019.

The WAPC is a statutory authority and operates with the support of the Department of Planning, Lands and Heritage (DPLH) which provides professional and technical expertise, administrative services, and corporate resources to assist its decision making. As a Committee of the WAPC, SDRP members must abide by the [WAPC Governance Guide](#).

### 6.1 PANEL MANAGEMENT AND SUPPORT

A dedicated SDRP Support Team has been established within the Department of Planning, Lands and Heritage for the purpose of providing administrative support to the SDRP and providing regular reports to the WAPC regarding the referrals and effectiveness of Panel advice.

The SDRP Support Team manages the scheduling, preparation, coordination, reporting and monitoring of SDRP review sessions.

SDRP Support Team undertakes all administrative tasks including preparation of the agenda and review session information. To ensure that SDRP members have adequate time to prepare, relevant material will be issued to the Session Panel at least three (3) business days prior to the design review meeting.

Where necessary, specialist technical advice may be sought from government agencies to inform Panel briefings.

SDRP meetings will generally be held at Gordon Stephenson House (140 William Street, Perth). This will be confirmed in the review session invitation.

## 7. STATUS OF ADVICE

The SDRP advises on the design quality of proposals with specific reference to Design Principles outlined in SPP7.0 and may also refer to other relevant State Planning Policies, Local Planning Schemes and policies. Decision-makers should have due regard for the design review advice and recommendations provided by the SDRP noting that design review does not provide a technical or compliance assessment against the Australian Standards or National Construction Codes.

## 8. REFERRAL PATHWAY

The SDRP undertakes review of significant or strategic State government projects, including those referred by Ministers, the WAPC, the Heritage Council of WA and other government agencies. It may also review private sector projects when referred by a local government or government agency to assist with decision making.

Projects previously reviewed (by a local government design review panel, or other agency review process) will usually not be accepted for SDRP review, unless there are exceptional circumstances and the referral is accepted by the Government Architect and the WAPC Chairperson.

## 9. APPLICATIONS FOR SDRP REVIEW

A request for an SDRP review is made by contacting the [SDRP Support Team](#) and completing the Design Review Request Form. This referral form must be completed and endorsed by a relevant referring agency.

The request will be assessed against eligibility criteria and a recommendation will be made to the Government Architect and WAPC Chairperson for consideration.

The decision regards the eligibility of a project for SDRP review will be determined by the Government Architect in consultation with the WAPC Chairperson.

Review requests will be processed within 3 weeks of receipt confirmation.

## 10. ELIGIBILITY OF PROPOSALS FOR REVIEW

Projects eligible for SDRP review include significant and strategic public works, infrastructure projects, planning strategies, as well as urban design and landscape proposals for streets, parks and other public places. SDRP may also consider significant or strategically important private sector projects referred by a government agency.

For a project to be considered significant or strategically important, it is likely to possess at least one of the following attributes:

- **State or Regional Significance:**  
The project is of significance to the State or a particular region.
- **Location:**  
The project is located in an area that has particular importance, whether this be historic, cultural, or environmental sensitivity, or relating to a particular character or use.
- **Prominence:**

The project is situated on a prominent site with high levels of public visibility and/or political sensitivity.

- **Complexity:**  
The project involves complex challenges requiring a sophisticated design response.
- **Precedent:**  
The project will establish a precedent for a type of development within an area.

Factors that may affect acceptance for review include:

- Stage of development
- Program constraints
- Suitability for a formal review pathway
- Review prioritisation

Once a project has been accepted for review, the sessions will be scheduled as required and may vary depending on the requirements of the project. An SDRP booking does not guarantee a review session. Reviews are confirmed upon the timely receipt of required presentation materials. For subsequent reviews to be undertaken, considerable progress in responding to previous SDRP advice must be demonstrated.

The number of reviews for each project may vary. It is common for projects to undergo three reviews.

## 11. REVIEW SESSIONS

Panels will be convened for up to three sessions per week (as required) with prior notification of at least 14 days provided to members who are selected to convene for a project. Each session will consist of a separate Panel and will review one project. Where a panel is convened to review a project, every endeavour is made to maintain a consistent composition of that Panel for the duration of the review process. The SDRP will typically review up to 40 projects per year, with three sessions usually required for each project.

Review attendee numbers are limited by room capacity and project requirements. Attendance at review is only by invitation issued by the SDRP Support Team, who may seek advice from the Chair to confirm attendees. Reviews are generally attended by:

- The Panel
- The referring agency
- The proponent and design team
- Relevant stakeholders (as required)
- SDRP Support Team (administrative support).
- Observers may be approved by the Chair after consultation with the referring agency and proponent.

## 12. REPORTING

The SDRP Support Team will prepare a written Design Review Report for approval by the Chair after each session. Panel members may be contacted by the SDRP Support Team to clarify points raised during the review session.

Design Review Reports are not minutes but capture the review discussion and include key recommendations from the Panel. Design Review Reports may be issued as 'Interim Advice' and/or a 'Final Report'.

Design Review Reports are issued by the SDRP Support Team to the referring agency and the proponent. Any further distribution or use of reports must be authorised by the referring agency.

'Interim Advice' reports may be issued to assist proponents and design teams with the development of their proposal. 'Interim Advice' will be clearly marked as such and the advice may be clarified or amended in the 'Final Report'.

The 'Final Report' will inform assessments undertaken by planning authorities and may form part of the Responsible Authority Report (or equivalent) and/or be attached to a public report submitted to the decision maker. In some cases, SDRP Final Reports may be included with the documents provided in a public consultation process. Should the 'Final Report' form part of any Responsible Authority Report, or public advertising package, it should be attached in full and in its original format.

All review reports or advice issued prior to the Final Report are considered confidential and will not usually be made available publicly.

All Design Review Reports will be issued within 15 working days of the review session unless otherwise agreed with the relevant Panel Chair.

### **13. MEMBERSHIP**

The Panel comprises a pool of highly experienced, multi-disciplinary built environment professionals from industry, government and academia with demonstrated expertise in effective design review.

Members of the SDRP pool will be called upon to constitute session Panels of up to five (5) members excluding the Chair. The number of members on each the Panel will vary depending on the requirements of the project to be reviewed. Session Panels will usually be chaired by the WA Government Architect, the Associates to the Government Architect or by a nominated Panel member. Where a Panel is to be chaired by a nominated Panel member, the chair will be selected in accordance with the procedures established by the WAPC (see appendix 1).

Wherever possible, session Panels will have consistent membership across successive project reviews. In circumstances where not all members are available, the Chair may consider postponing a review to allow all members to attend. Reviews will not be postponed for extended periods without consulting the proponent and referring authority.

The Panel composition will draw from the following disciplines with the expertise being reflective of the different requirements for each project under review:

- Architecture
- Landscape Architecture
- Urban design
- Planning
- Heritage
- Sustainability (including environmental design, systems ecology, urban water integration and assessment frameworks)
- Accessibility and universal design
- Public health
- Transport planning
- Civil, structural and services engineering
- Public art
- Population health
- Aboriginal engagement

#### **13.1 APPOINTMENT**

Candidates for the State Design Review Panel pool are recruited through public advertisement. The shortlisting and selection of suitable candidates is based on merit, independent scrutiny, equal opportunity, probity and proportionality of discipline representation, as confirmed by an evaluation panel.

Following evaluation, preferred applicants are recommended to Cabinet for endorsement and WAPC for appointment. All appointments to the SDRP are made by the WAPC and candidates cannot sit on a Panel unless they have been formally appointed by the WAPC.

## **13.2 TERM**

Appointment to the SDRP will usually be for a term of two years, however the Commission may extend the term of appointment for up to 12 months without further advertising.

## **13.3 REMUNERATION**

Members will receive sitting fees as determined from time to time by the Minister for Planning on advice from the Public Sector Commission. Fees will be paid for either a half or full day.

If a Panel member is engaged to Chair a review session, the member will be required to undertake additional tasks including attending a Chair briefing session, reviewing, editing and approving the final report, and will be paid at the rate set for the Panel Chair.

Travel allowances will be considered on a case-by-case basis in line with the Guidelines for Official Travel by Ministers, Parliamentary Secretaries and Government Officers, State and Local Government employees assisting the SDRP process as part of their funded full-time public sector role will not be remunerated in accordance with Premier's Circular 2021/18. Panel members should advise the SDRP Support Team immediately if their employment circumstances change, including to/from a public sector role.

## **14. MEMBER RESPONSIBILITIES**

SDRP members make an important contribution to the design quality of buildings and places in Western Australia through their participation in SDRP review. Members are required to provide independent, fair, reasonable, clear and constructive professional advice.

Members must adhere to the WAPC Governance Guide and Code of Conduct.

### **14.1 INDUCTION**

Members are required to participate in an induction process run by the SDRP Support Team and/or the WAPC's Commission Support Team.

Members are encouraged to maintain their own professional development and attend specific training opportunities on relevant topics communicated by the SDRP Support Team. Where attendance at training is required, Members will be remunerated in accordance with government requirements and WAPC processes.

### **14.2 PREPARATION**

To ensure the efficiency and efficacy of review, Members are required to be familiar with all information issued prior to the meeting and to prepare preliminary comments in advance. Voluntary site visits will be organised by the SDRP Support Team when appropriate and as required, however members may also choose to visit the project sites independently.

### **14.3 CONFIDENTIALITY**

All information relating to the design review process is confidential.

Design review sessions will be undertaken in strict confidence and Members should not discuss development proposals, nor share or disclose any information, before or after the review, including confirming whether projects have come to review. Any media or other communication required will be managed by the SDRP Support Team in accordance with WAPC requirements.

#### **14.4 CONFLICTS OF INTEREST**

In advance of design review sessions Members are required to declare any interests they might have either as an individual or a member of a group or organisation, including pecuniary, commercial, professional or familial interests in accordance with WAPC governance requirements.

Members will be expected to inform the SDRP Support Team in writing, of the nature of any interests and declare whether there is any conflict. Declarations of interest will be reviewed by the SDRP Support Team and may be referred to the Panel Chair, the Government Architect, Chief Planning Advisor and/or WAPC Chairperson, or a Probity Officer where advice is required.

If a conflict precludes the Member from reviewing a proposal, they will be removed from that Panel and will not attend the design review session nor take part in any design review discussions relating to the project.

Where an interest does not preclude a Member from participating, the declaration/s of interest will be disclosed to the referring authority and proponents and will be noted in agendas and reports.

## **APPENDIX 1:**

### **1. STATE DESIGN REVIEW PANEL SESSION PANEL SELECTION PROCESS**

The State Design Review Panel (SDRP) membership pool includes individuals with expertise in a range of areas. Session Panels are selected based on the requirements of the project.

Panel Members with relevant expertise are shortlisted by the SDRP Support Team through a Panel Selection Matrix.

Consideration is given to:

- Expertise
- Relevant project experience
- Conflicts of interest
- Availability

Availability of the shortlisted members is sought and then a recommendation is put to the Government Architect or Principal Associate for approval.

If conflicts of interest arise that are deemed to exclude a Panel member, an alternative shortlisted Panel member will be selected.

All conflicts of interest are thoroughly documented through a conflict of interest matrix for all projects.

### **2. STATE DESIGN REVIEW PANEL SESSION CHAIRPERSON SELECTION PROCESS**

The State Design Review Panel (SDRP) membership pool contains a number of individuals with extensive design review chair experience. These members can act as Session Chairs for SDRP reviews when the Government Architect and/or Associates are unavailable or unable to chair.

Members with demonstrated chairing experience have been shortlisted by the SDRP Support Team in collaboration with the Government Architect.

Should a Session Chairperson be required for a review, the SDRP Support Team assesses member suitability using the 'Chair' column in the Panel Selection Matrix.

Consideration is given to:

- Expertise
- Relevant project experience
- Conflicts of interest
- Availability

A recommendation is put to the Government Architect or Principal Associate for approval.

If conflicts of interest arise that are deemed to exclude a Session Chairperson, an alternative shortlisted Session Chairperson will be selected.

### **3. CONFLICTS OF INTEREST**

In advance of design review sessions Panel members are required to declare any interests they might have either as an individual or a member of a group or organisation, including pecuniary, commercial, professional or familial interests in accordance with WAPC governance requirements.

Panel members will be expected to inform the SDRP Support Team in writing, and completion of a conflict of interest form, of the nature of any interests and declare whether there is any conflict. Declarations of interest will be reviewed by the SDRP Support Team and will be referred to the Panel

Chair, the Government Architect, Chief Planning Advisor and/or WAPC Chairperson, or a Probity Officer where advice is required.

If a conflict precludes the Panel member from reviewing a proposal, they will be removed from that Panel and will not attend the design review session nor take part in any design review discussions relating to the project.

Where an interest does not preclude a Panel member from participating, the declaration/s of interest will be disclosed to the referring authority and proponents and will be noted in agendas and reports.

Assessments, recommendations and decisions regarding conflicts of interest are documented in a Conflict of Interest Matrix.