



# Local Planning Policy 1.9

Design Advisory  
Committee & Principles of  
Design



# LPP1.9 – Design Advisory Committee & Principles of Design

## Statutory background

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide the ability for local governments to prepare a local planning policy on any matter relevant to the planning scheme area.

Schedule A Clause 78B(6) of Local Planning Scheme No. 4 (LPS4) requires the Council to establish and maintain a Design Advisory Committee to advise it on any matters related to the design quality of development.

Schedule A Clause 78B(6) of LPS4 requires Council to prepare and adopt a local planning policy that details the type and scale of development applications and planning proposals that will be referred to the Design Advisory Committee.

Schedule A Clause 78B (6)(b) of LPS4 states that 'notwithstanding the provisions of any Local Planning Policy prepared under clause 78B(6)(a), the Council shall not determine a development application that proposes a building with a building height of 11 metres or greater in any zone other than the Residential or Industrial zones or a development application proposed under clause 5.7 Special control provisions for small infill development without first referring the application to the Design Advisory Committee for advice and having regard to the advice provided by the Design Advisory Committee.'

Schedule A Clause 78B (6)(c) of LPS4 outlines the matters to be considered by the Design Advisory Committee in providing advice to the Council on the design quality of the development, in association with the local planning policy prepared under Schedule A Clause 78B (6)(a).

## Introduction and purpose

The purpose of this local planning policy is to:

1. Detail the type and scale of development applications and planning proposals that will be referred to the Design Advisory Committee; and
2. Provide additional provisions relating to the design matters listed under clause Schedule A Clause 78B (6)(c) of LPS4.



## Application

### 1. Development applications and planning proposals to be referred to the Design Advisory Committee

In accordance with the Design Advisory Committee terms of reference adopted 23 May 2012, and amended 1 July 2018 (see Annexure 1) the role of the Design Advisory Committee is:

- To provide design advice on all planning applications involving:
  - (a) any matter that relates to a planning policy relevant to the role of the Committee;
  - (b) any building 11.0m or 3 storeys in height or greater in any zone other than the Residential or Industrial zones;
  - (c) a development proposed under clause 5.7 Special Control Area Provisions for small infill development
- To provide design advice in other circumstances in relation to any major development proposal required by the Council or Planning Committee, or any relevant Local Planning Scheme amendment, Structure Plan or Local Planning Policy proposal.

### 2. Fee for service

Once design advice has been provided at three (3) Design Advisory Committee meetings, the applicant will be charged a fee of \$2,000 for each subsequent presentation prior to the meeting.

## Policy statement

### 3. Principles of design

In providing advice to the Council, the Design Advisory Committee shall have due regard to the following principles to assist in determining the design quality of the development:

#### 1. Character – a place with its own identity

Successful places are distinctive and memorable, with a character that people can appreciate easily. The positive attributes of a place and its people contribute to its special character and sense of identity. They include landscape, building traditions and materials, patterns of local life, and other factors that make one place different from another.

When new development creates public spaces identical to those in every other town, a place risks weakening its connection with its history and losing the things that make it stand out when competing for investment and skilled people.



#### Objectives:

- (i) New development should integrate into its landscape / townscape setting and reinforce local distinctiveness.
- (ii) New development should respond positively to the existing layout of buildings, streets and spaces ensuring that adjacent buildings relate to one another, that streets are connected and that spaces complement one another.
- (iii) New development should respond positively to local building forms and patterns of development in their detailed layout and design.
- (iv) Building materials, construction techniques and details should enhance local distinctiveness.
- (v) The scale, massing and height of new development should respond positively to that of the adjoining buildings, the topography, the general pattern of heights, and the views, vistas and landmarks of the place, reinforcing a coherent local identity.
- (vi) In designated areas new development should promote the re-establishment of local distinctiveness that builds on the past and reinvigorates locally distinctive patterns of development, landscape and culture to provide the area with a 'sense of place'.

## 2. Continuity and enclosure – A place where public and private spaces are clearly distinguished

Buildings can define open spaces by enclosing them. The activities inside buildings can bring life and activity to the edges of public spaces. Buildings can also secure private open spaces by closing them off and overlooking them.

In places where the distinction between public and private open space is blurred, responsibility for looking after open spaces is uncertain and privacy can be compromised. Successful places therefore need a clear relationship between the public fronts and private backs of buildings.

#### Objectives:

- (i) Streets should be lively as a result of people coming and going from buildings and drawn to the activities inside (retail, for example).
- (ii) Streets should be made up of continuous building frontages and open spaces where there are few gaps that could leave the street lifeless and uninteresting.
- (iii) Buildings should be used to enclose spaces and separate private



from public areas.

- (iv) Buildings should overlook public spaces to improve surveillance and public security.

### 3. Quality of the public realm - A place with well-designed, high quality public spaces

Successful places have outdoor spaces that are attractive and comfortable. These places will have invested in the public realm as a demonstration of civic pride and the value attached to public life.

Outdoor spaces are important for the health of local people, encouraging sports and healthy lifestyles. Public spaces can include parks and nature reserves, as well as more formal squares and paved areas. Streets are also part of the public realm. Designed with people in mind, they offer opportunities to meet and socialise, bringing vitality to a place.

Objectives:

- (i) Places should have public spaces and routes that are well-designed, attractive, safe and uncluttered.
- (ii) Places should provide open space that is easy for everyone to use, including children, disabled and elderly people.
- (iii) The public realm should provide a setting for important buildings and/or public art. Works of art and well-designed street furniture integrated into the design of public spaces give identity and enhance the sense of place.
- (iv) Building materials should be durable, easy to maintain, and should weather well over time.
- (vi) Well-designed public space relates to the buildings around it.
- (viii) The design of public spaces should take account of the micro-climate.

### 4. Ease of movement - A place that is easy to get to and move through

Movement through a place should always be easy for everyone who uses it, whether by foot, bicycle, car or public transport. Pedestrians in particular should be able to get around safely and conveniently. Making a place more walkable and accessible will help reduce car use and in turn reduce congestion and air pollution and improve public health.

Objectives:

- (i) Places should be connected with each other and easy to move through.
- (ii) Places should provide a choice of routes, especially for pedestrians.



- (iii) The place should prioritise pedestrians over vehicles.
- (iv) The layout of the place should minimise the need to travel and exploit any proximity to public transport.
- (v) Pedestrian movement at street level should be given priority over movement at other levels.
- (vi) Transport routes should incorporate urban design qualities and not just traffic considerations.
- (vii) A development's access and circulation should contribute to a fine-grain network of direct and connected routes within and beyond the site and avoid creating large non-permeable blocks.

#### 5. Legibility - A place that is easy to navigate

Successful places are comprehensible and easy to navigate. Knowing where you are and how to get around is essential to enjoying a place and all its attractions.

We intuitively use all sorts of clues to navigate. The size and type of buildings tell us whether we are on an important route or a side street. Buildings, landscape or public art can stand out from the everyday fabric of a place, making its location more memorable. This is important for people who are visiting for the first time and want to feel confident and relaxed in order to enjoy a place and all its attractions, and not

anxious about getting lost. But it is also very important for people with disabilities, who may have difficulty navigating.

Objectives:

- (i) The place should have recognisable routes, intersections and landmarks to help people understand where they are and find their way around. New buildings should respond to these cues.
- (ii) Landmark places and buildings should be visible at street level.
- (iii) Landmark places and buildings should be distinctive and memorable.
- (iv) Public art and landmarks should help the public navigate.
- (v) The scale of the buildings and the design of the street, its furniture, lighting and surfaces should inform the public about the nature of the route.
- (vi) Well-designed corners enhance legibility by creating visual interest and contributing to a distinctive identity.
- (vii) The legibility of an area can be improved through the detailing and quality



of materials in new development.

## 6. Adaptability - A place that can Change

Places should offer flexibility to support change over time. Places should create continuity with the past and respond to emerging and future social, environmental and economic needs.

Objectives:

- (i) New development should have the capacity to meet changing social, environmental and economic conditions.
- (ii) New development should demonstrate the capacity to adapt rather than be replaced.
- (iii) New development should have the capacity to adapt to changing climate patterns and demonstrate strategies for the conservation of non-renewable resources including energy, water and materials, and for minimising waste through construction and operation.
- (iv) New development should have some capacity to adapt to changing demographics, an ageing population, new uses and people with disabilities.

## 7. Diversity - A place with Variety and Choice

Successful places offer a variety of uses and activities. Choices in employment, housing and services are important to making a place inclusive and welcoming. Successful designs encourage use by as many people as possible from a variety of backgrounds and must be accessible for people with disabilities.

New development should add interest, reflect the diversity of the local community and respond positively to appropriate local building forms and patterns of development.

Objectives:

- (i) Places should incorporate a mix of uses that work together to create viable environments that respond to the diversity of the local community and its culture.
- (ii) New development should offer a range of uses and activities that contribute to the vitality of the place at different times of the day and week.
- (iii) Architectural expression should respond to positive local building forms and patterns of development.
- (iv) New development should be accessible and navigable by all people



regardless of physical ability.

- (v) Landscape design should promote biodiversity and offer a variety of habitats for flora and fauna.
- (vi) Places should offer a choice of housing, shopping, employment and entertainment.

<b>Responsibility and review information</b>	
<b>Responsible officer:</b>	Manager Development Approvals
<b>Document adoption/approval details</b>	11 June 2013
<b>Document amendment details</b>	Notice on City website 8 August 2022 PC2207-7 – Ordinary Meeting of Council 27 July 2022
<b>Next review date</b>	On or before July 2026



# Annexure 1 - DAC Terms of Reference

## Effective 1 July 2018

### **Statutory basis**

The Design Advisory Committee is constituted in accordance with Clause 11.8 of the City of Fremantle Local Planning Scheme No 4. At all times the Committee shall operate in accordance with the Scheme provisions.

### **Membership**

The membership of the Committee shall be drawn from a pool of members and comprise of 5 persons at any one sitting, with a minimum of 3 required to deliberate on any matter. Members shall be highly regarded with appropriate qualifications and substantial experience in Architecture and Urban Design. One member of the Committee shall be selected with particular experience and expertise from each of the following areas;

- City centre planning and development
- Heritage and urban conservation
- Energy efficient building design and sustainable development
- Public space planning and development

The intent of the composition of the Committee is that it should include a mix of local and non-local members. To ensure that local knowledge and issues are properly taken into account, at least two of the members shall have practises based within, or demonstrate significant experience in, the City of Fremantle.

The Chair of the Committee will be determined by the Committee Members and will remain the same for the term of appointment of the member appointed as Chair despite any rotation of members from the pool.

### **Other criteria for membership**

Appointment of Members will be based on consideration of their qualifications and experience which must include having been involved in the design and/or design review of major development proposals of the kind which the Committee will be required to review as part of its role. The term of office for Committee members will be as follows:

4 members including 1 deputy member – 4 years commencing 1 July 2018

3 members including 1 deputy member – 2 years commencing 1 July 2018

Thereafter, the term of office of all members will be 4 years from date of appointment.



A person who has completed a term of office commencing on or after 1 July 2018 may not be appointed to serve a second consecutive term of office, but will be eligible to nominate for appointment as a member after a period of at least two years from the end of their previous term of office.

Committee members are appointed by the Chief Executive Officer following a public process of expressions of interest. Any replies to expressions of interest will be considered in the appointment process. In addition to the specific technical skills and experience noted above selected members should enjoy considerable professional recognition and prestige. To demonstrate this each nomination should be accompanied by the names of a minimum of two professional referees and a curriculum vitae. These should be independent professional peers who can specifically attest in writing to the suitability of the candidate for membership the Committee.

The Chief Executive Officer may terminate the appointment of any member of the Committee prior to the expiry of the term of office.

In the event that a member of the Committee resigns their membership, has their appointment terminated, or is unable to continue to serve due to other unforeseen circumstances prior to the expiry of their term of office, the Chief Executive Officer may call for nominations for the appointment of a replacement member to serve for the remainder of the original member's term of office.

### **Role of the Committee**

The role of the Design Advisory Committee is as follows

- To provide design advice to Council on all planning applications involving:
  - (a) any matter that relates to a planning policy relevant to the role of the Committee;  
and
  - (b) any building 11.0m in height or greater in any zone other than the Residential or Industrial zones as required by clause 11.8.6.2 of the scheme
- To provide design advice in other circumstances in relation to any major development proposal required by the Council or Planning Services Committee, or any relevant Local Planning Scheme amendment, Structure Plan or Local Planning Policy proposal.

Full committee reports in relation to referrals to the Committee will be provided to the applicant and included in any reports to the Planning Services Committee/Council/Development Assessment Panel.



## **Operation of the Committee – Advice on preliminary proposals**

Applicants for Planning Approval for applications of the type that would be considered by the Committee must consult with the Committee during the planning phase of their development proposal (i.e. at least once before a formal planning application is lodged). The decision to refer and timing of referral will be made by the Manager, Development Approvals and the Committee recommendation will be provided to applicants through Council staff. Preliminary deliberations of the Committee on proposals will not be forwarded the Council for discussion or ratification. Proponents and clients will be invited to attend the relevant part of the Committee meeting, although the formal recommendation of the Committee will be provided to the proponent by the Manager, Development Approvals. Proponents and clients are to focus their presentation on the following:

- i. Streetscape Character Analysis;
- ii. 3D streetscape perspective;
- iii. Design matters raised in *Local Planning Policy 1.9 - Design Advisory Committee and Principles of Design*;
- iv. Client attendance strongly encouraged; and
- v. CABE Alarm Bells (see below)

## **Some Alarm Bells**

Extract from *Design Review: how CABE evaluates quality in architecture and urban design* published by the Commission for Architecture and the Built Environment.

There are some common threads which can be drawn from those projects which CABE has found reasons to criticise. Some of these problems areas are listed here:

- Lack of evidence of client commitment to a quality outcome
- Lack of evidence of clear, intelligent thinking in the design team
- Lack of a clear brief
- Contradictory aims and objectives
- Lack of viability: project may promise more than anyone believes they can realistically deliver
- No evidence of understanding the nature of the site
- Adequate context analysis, but no evidence of it informing the design
- Project which appear mean, pinching, obstructive in their approach to the public realm
- Lack of clarity about what is private and what is public



- Projects where it is hard to work out from the drawings what is actually proposed, confusion on paper is likely to correspond to confusion in reality
- No effort to give clear and realistic illustrations of what the project will look like
- No effort to illustrate the project in context
- No effort to show an approach to landscape design where it is important.

### **Operation of the Committee – Advice on formal applications**

All formal applications will be assessed by Council staff having regard to the provisions of the Local Planning Scheme and Council Policies, prior to submission to the Committee. The decision of the timing of referral, and the number of referrals considered necessary, to the Committee shall be made at the discretion of the Manager, Development Approvals in cases where, in the opinion of the Manager, Development Approvals, an application may be incapable of approval, referral to the Design Advisory Committee may be denied.

Where the Committee is considering a formal statutory planning matter, its recommendation will be discussed and assessed in the officer report to the Council on that matter.

Applicants and clients will be invited to attend at the relevant part of the Committee meeting, however all formal communication with the Committee will be:

through the:

1. Manager, Development Approvals; or
2. Chair (or other Committee member nominated by the Chair) with the permission and/or attendance of the Manager, Development Approvals,

Members are strictly prohibited from individual communication with proponents or interested persons on business before the Committee outside of the meeting structure adopted by the Council. The Manager, Development Approvals will determine when, and how often, an item is presented to the Committee.

### **Recording of the meeting**

A report will be prepared by the Committee Chair and will be provided to the applicant and Council through the Planning Services Committee.



## **Role of the Chair**

In addition to presiding at the meetings, the Chair will have the following additional responsibilities,

- Ratification of meeting report.
- Preparation of a report on each item
- Liaison with Council staff over the operation of the Committee.
- Meeting with proponents with (or with the permission of) the Manager, Development Approvals to represent the Committee's views.
- Attendance at Council, *Standing Committee*, *Development Assessment Panel* or SAT meetings or briefings as necessary.

## **Frequency of meetings**

Meetings will be held once a month or special meetings may be convened to deal with specific issues.

The Committee shall be attended and provided with administrative support as necessary by the Director, Strategic Planning and Projects, the Manager, Development Approvals and responsible officers.

## **Format for advice**

The intent of the Committee is the provision of independent professional design advice on key aspects of development. The summary design recommendations should be provided having regard to the following:

### DAC REPORT TEMPLATE

1. CABE DESIGN PRINCIPLES
  - a. Character
  - b. Continuity and Enclosure
  - c. Quality of Public Realm
  - d. Ease Of Movement
  - e. Legibility
  - f. Adaptability
  - g. Diversity
  - h. Overall Design Quality and Functionality
  - i. Appropriateness of Materials and Finishes
  - j. General Comments



2. DESIGN ASSESSMENT

- a. What are the Strengths
- b. How can the Proposal be Improved

3. RECOMMENDATION (select 1 or a combination of the below)

- a. The design is supported;
- b. The design is supported and is of sufficiently high quality to meet relevant scheme provisions in relation to discretionary height;
- c. The design is supported subject to the following conditions;
- d. The design is not supported
- e. As the design is at concept stage only, the plans have not progressed to a stage where they can be recommended for support or not.

The Committee report will be considered as part of the officer report and recommendation on the proposal and will be attached in full (on that particular item) to the report.

**Fees**

The members of the Committee will be paid sitting fees, on an hourly rate basis. The amount will be determined by the Chief Executive Officer subject to overall budget allocations determined by Council as part of the adoption of the annual budget. In determining hourly fee rates the Chief Executive Officer shall have regard to advice from the Office of the Government Architect of WA on fees for members of design review bodies.