

TERMS OF REFERENCE

NATIONAL CAPITAL DESIGN REVIEW PANEL

JANUARY 2021



Australian Government
National Capital Authority



ACT
Government

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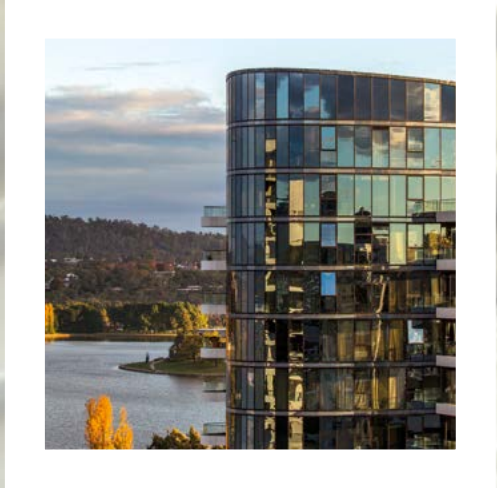
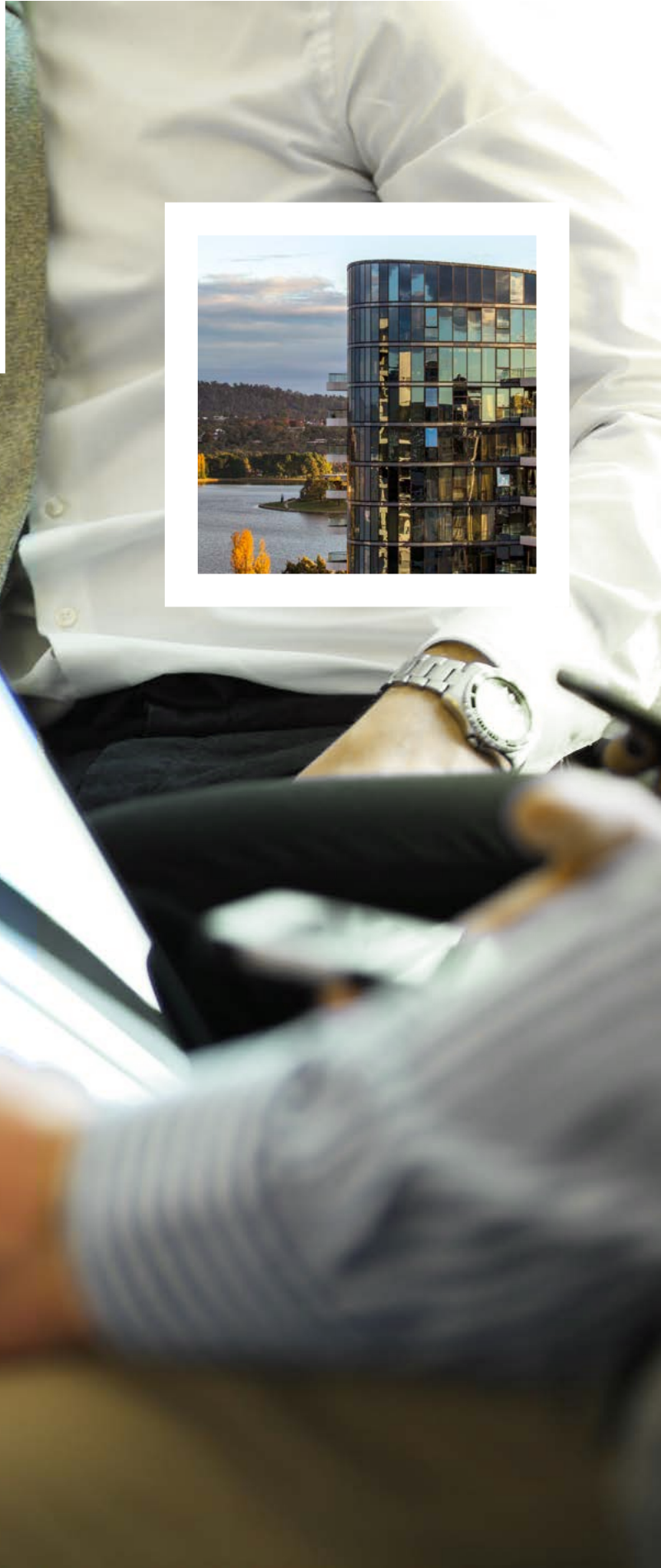


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1. OVERVIEW

- 1.1. The ACT Government, in partnership with National Capital Authority (NCA) and the ACT Government Architect have established a National Capital Design Review Panel (the Panel) as a consistent city-wide approach to improve the design quality of the built form built across Canberra. Establishing a city-wide design review panel in the ACT will result in an efficient and consistent approach to delivering design advice and guidance to decision-makers, developers and designers.
- 1.2. The Panel has been established as a means to explore and test design concepts at various scales for significant public and private sector projects, and as part of the pre-development application process.
- 1.3. As exemplified by the use in other jurisdictions, design review is an effective means to achieve improved design and amenity outcomes for the built environment for the benefit of residents, workers and visitors.
- 1.4. The Panel and design review process have been informed with input from best practice design review panels nationally and internationally.
- 1.5. The Environment, Planning and Sustainable Development Directorate (EPSDD) is responsible for the secretariat role of the Panel.

2. PURPOSE

- 2.1 The Panel will provide independent, expert and impartial advice on design quality matters for significant development proposals in key growth and renewal areas across the city to assist the approval authorities in forming their advice to proponents.
- 2.2 The Panel is a non-statutory body to provide advice on design quality matters and does not have a decision-making function.
- 2.3 The Panel will review development proposals in Canberra, under the supervision of the ACT Government Architect (GA) and, for proposals under the jurisdiction of the NCA, the National Capital Authority's Chief Planner.
- 2.4 The NCDRP reviews a diverse range and scale of development proposals; including apartment, mixed-use and commercial developments; public infrastructure projects; public parks and spaces; master plans and estate development plans.
- 2.5 Redevelopment must be considered by the NCDRP as required by the National Capital Plan and a proponent must consult with the NCDRP if development is 5 or more storeys or proposes to increase the floorspace of a shop by more than 2,000m², that is fully or partly located in a residential, commercial, community facility and/or a parks and recreation zone.
- 2.6 The NCDRP secretariat will determine the best method of Design Review, in consultation with the Chair/s, and may be delivered as a full Design Review session, a Desktop Review session or in some circumstances an Internal Document Review may be undertaken. The method of Design Review required for a proposal will be determined in consideration of project particulars, available resources, and key priorities.
- 2.7 Proponents can also self refer a development proposal for Design Review.

3. PANEL MEMBERSHIP

- 3.1 The Panel membership will comprise a cross-section of built environment and design professionals, working within the ACT, throughout Australia and internationally. Members will be bound by their respective professional codes of conduct and the ACT Government's ACT Public Service Code of Conduct 2012.
- 3.2 Members will be appointed through an open tender process for a set term. Term of appointment will generally be three years unless otherwise specified within the recruitment documents. Previous Members may be considered for re-appointment.
- 3.3 Additional Members will be recruited as required.
- 3.4 Panel members will be remunerated in accordance with the rates established as part of the open tender process at a half day or full day rate and include payment for review of briefing materials. Panel members may also claim travel expenses including airfares, taxis, public transport and parking up to a maximum amount. Reimbursement of accommodation will only be paid in special circumstances and where agreed in writing with the Secretariat.

4. PANEL SELECTION FOR INDIVIDUAL PROPOSALS

- 4.1 Membership of the Panel for individual proposals will be at the invitation of the GA, EPSDD and the NCA.
- 4.2 As secretariat of the Panel, EPSDD will provide the Chair/s with the opportunity to nominate appropriate panel members for individual proposals, prior to approaching potential panel members. Ideally, this will take place at least three weeks prior to the design review session.
- 4.3 For individual proposals, panel members will be invited to participate on an as needs basis.
- 4.4 The final composition of the panel, for an individual proposal, will be agreed by the Chair/s. Where a consensus between the co-Chairs for the composition of the Panel cannot be achieved:
 - 4.4.1 The ACT Government Architect will have final decision for proposals under the approval jurisdiction of the planning and land authority; or
 - 4.4.2 The NCA's Chief Planner will have the final decision for proposals under the approval jurisdiction of the National Capital Authority.

5. PANEL SESSIONS AND ADVICE

- 5.1. All Design Review sessions are to be held in the ACT. The Secretariat will determine the appropriate location of the Design Review sessions, in consultation with the Chair/s.
- 5.2. EPSDD and NCA officers will determine the frequency of the Design Review sessions, in consultation with the Chair/s, through an agreed forward schedule. Once agreed, the forward schedule will be made publicly available online.
- 5.3. Design Review can be held as a full Design Review, a Desktop Review or as an Internal Document Review. The NCDRP secretariat will determine the best method of Design Review, in consultation with the Chair/s, to ensure that Design Review is delivered efficiently and effectively for individual proposals.
- 5.4. Prior to each Design Review session, panel Members will be provided with a detailed brief on each development proposal, in confidence, which will be read before arriving at the Design Review session. This information will be provided to panel Members at least 5 days prior to the Design Review session.
- 5.5. Immediately prior to each Design Review session, the Secretariat will arrange for a site visit to be undertaken. The Chair and all panel Members engaged for an individual proposal will need to attend, unless otherwise agreed prior to the day of the session. Government agency representatives may also be invited to attend site visits to provide specific advice relevant to their field.
- 5.6. Design Review sessions will be attended by up to four panel members and the Chair. Quorum will be two panel members and the Chair.
- 5.7. Design Review sessions will be chaired by the GA for proposals under the approval jurisdiction of the planning and land authority.
- 5.8. Panel Review sessions will be chaired by the NCA Chief Planner for proposals under the approval jurisdiction of the National Capital Authority.
- 5.9. In the absence of the GA and the NCA's Chief Planner, a nominated vice chair will chair the Panel Review session. Where development proposals are under the approval jurisdiction of the National Capital Authority (NCA), the NCA may nominate the vice chair for the Design Review session.
- 5.10. Following each design review session, the Secretariat will issue a confidential draft written Panel Advice to Panel Members for review and comment. Panel Members are required to provide comment on the draft Panel Advice within two working days.
- 5.11. Following comment by Panel Members, the Secretariat will compile the Panel Members' comments into the draft Panel's Advice for final review and clearance by the Chair/s. The Chair/s is required to clear the Panel's Advice within two working days.
- 5.12. Following final clearance of the Panel's Advice by the Chair/s, the Secretariat will issue the proponent and lead designer with confidential written Panel Advice within ten working days of the Design Review session. The Panel's Advice will be informed by the views of the panel, and will evaluate the design quality of the development proposal. Where appropriate, other key stakeholders may be copied into the Panel's Advice.
- 5.13. A summary of the Panel's Advice will be made publicly available as part of a Development Application, through the formal public notification period and considered as part of the development assessment.
- 5.14. The Panel's Advice outlines the key matters raised during the Design Review session to assist the proponent. It is not a minute of the Design Review session.

- 5.15. If the Panel's Advice is found to contain an error, it may be withdrawn, corrected and re-issued by the Secretariat. The re-issued Panel's Advice will retain its original date, however will be clearly marked and accompanied by a re-issue explanation.
- 5.16. Proponents are to contact the Secretariat if a clarification of the Panel's Advice is required. Proponents must not directly contact the Chair/s or panel Members about the Panel's Advice.

6. ROLE OF THE CHAIR

- 6.1. The Chair is responsible for presiding Design Review sessions to ensure:
 - 6.1.1. the orderly conduct of the sessions consistent with the session agenda and timing;
 - 6.1.2. that attendees are welcomed to the session and introduced;
 - 6.1.3. that the Design Review session facilitates an interactive discussion, enabling solutions to be resolved collaboratively;
 - 6.1.4. that government entities have an opportunity to provide input;
 - 6.1.5. the applicant/proponent has had the opportunity to present the proposal and clarify any questions from panel Members;
 - 6.1.6. that due consideration of the proposal and constructive advice has been given by all attendant panel members; and
 - 6.1.7. that the Panel discussion is clearly summarised with a consensus view of the Panel at the conclusion of the meeting.
- 6.2. In addition to presiding at the meetings, the Chair will attend monthly Secretariat Design Review meetings and liaise with the Secretariat about the operation of the Panel, as required. The Chair is also responsible for endorsing the final written Design Review advice post meeting.

7. ROLE OF PANEL MEMBERS

- 7.1. Panel Members will provide independent and impartial advice on the design quality of development proposals to the Chair, whose view will be informed by the panel Members' advice.
- 7.2. Panel Members will treat all discussions and information about an individual proposal as confidential.
- 7.3. Panel Members will respond to and provide advice on the materials presented, providing clear and constructive advice.

- 7.4. Panel Members will have due regard for the National Capital Plan, the Territory Plan, and other guidance documents as listed in Appendix 4. Officers of EPSDD and the NCA will advise on any additional guidance documents that should be referred to for individual development proposals.
- 7.5. The Panel will be guided by the aims and principles of the Urban Design Protocol for Australian Cities (Appendix 1), CABE's Design Review Best Practice Guidance (Appendix 2) and the Design Principles for the ACT (Appendix 3).
- 7.6. Panel Members will disclose any conflicts of interest, perceived or actual, for the record. Refer *Dealing with Conflicts of Interest* within this document.

8. ROLE OF OBSERVERS AND GOVERNMENT STAFF

- 8.1. Key stakeholders may be invited to attend the Design Review sessions as Observers and may be invited to brief the Panel on specific issues relating to their respective agencies, including but not limited to: the relevant planning authority; representatives of the NCA; other EPSDD staff; and representatives of other ACT Government agencies as required.
- 8.2. Government staff may be requested by the Secretariat and/or the Chair to provide advice in the briefing materials provided to the Panel prior to a Design Review session, such as advice about statutory planning requirements for an individual proposal.
- 8.3. Observers may only participate at Design Review sessions when invited by the Chair.
- 8.4. Design Review sessions are confidential and are not available for the general public to attend.

9. PANEL MANAGEMENT AND ROLE OF THE SECRETARIAT

- 9.1. Officers of the Environment, Planning and Sustainable Development Directorate (EPSDD) and the NCA will support the delivery of the Design Review program. This includes that staff from EPSDD and NCA will attend and participate at monthly Secretariat Design Review meetings for the purposes of feedback and forward planning. The Secretariat Design Review meetings will generally be held shortly after the previous Design Review session, unless otherwise agreed.

- 9.2. EPSDD is responsible for the Secretariat role of the Panel, including primary liaison with proponents and panel members, booking of facilities, liaison with the Chair/s to coordinate a panel composition for individual proposals, coordination of pre-design review meetings with proponents, and liaison with ACT Government directorates.
- 9.3. Where development proposals relate to Designated Areas or Territory Land Subject to Special Requirements under the National Capital Plan, the NCA will equally support the delivery of the Design Review program through administrative support and funding.

10. DEALING WITH CONFLICTS OF INTEREST

- 10.1. Panel Members scheduled to attend a Design Review session will be provided with background information on each development proposal, in advance, in order to declare any potential perceived or actual conflicts of interest.
- 10.2. Panel Members will declare in good time any interests they might have either as an individual or a member of a group or organisation, in any development proposal to be reviewed, including: pecuniary, commercial, professional, or personal interests.
- 10.3. Panel Members will be expected to inform the Secretariat, in writing, of the nature of any interests. The Secretariat will, in light of the declaration, decide whether the interest presents a conflict.
- 10.4. In the event of a conflict of interest between a panel Member and a proponent, the panel Member who has declared the interest will not attend the Design Review session nor take part in any Panel discussions relating to the development proposal.
- 10.5. In the event of a panel Member presenting their own proposal to the Panel, they will not fulfil their role as a panel Member in any other Panel Review sessions carried out that day.
- 10.6. The Chair or Co-Chair will not present a development proposal to the Panel in person, nor Chair any other Panel Review session carried out on the same day as their proposal.

11. CONFIDENTIALITY

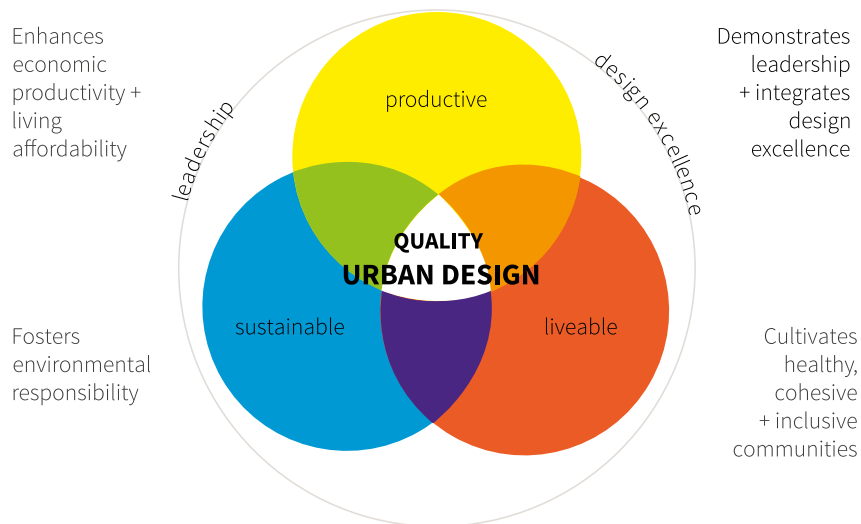
- 11.1. All information relating to development proposals received during the Design Review process will be treated in strict confidence.
- 11.2. All Panel Advice issued by the Chair, prior to the development proposal being formally submitted as a development application to the relevant planning authority, will be regarded as confidential. Any final Panel Advice considered by the relevant planning authority during the development application process may be made available to the public if the application itself is in the public domain. The Panel Advice and the Design Review process may be subject to requirements relating to freedom of information legislation.
- 11.3. All Panel Review sessions will be carried out in strict confidence and panel Members will not discuss development proposals nor disclose any information received, before or after the review.

APPENDIX 1

AIMS AND PRINCIPLES OF URBAN DESIGN PROTOCOL FOR AUSTRALIAN CITIES

The Urban Design Protocol is founded on five pillars: productivity, sustainability, liveability, leadership and design excellence. When integrated together, these pillars form the aim of the Protocol.

To create productive, sustainable and liveable places for people through leadership and the integration of design excellence



Twelve basic principles underpin the Protocol based on design, leadership and governance. These principles are interrelated with the five foundation pillars of the Protocol.

Productivity & sustainability:

- Enhancing: enhances local economy, environment and community
- Connected: connects physically and socially
- Diverse: diversity of options and experiences
- Enduring: sustainable, enduring and resilient

Liveability:

- Comfortable: comfortable and welcoming
- Vibrant: vibrant, with people around
- Safe: feels safe
- Walkable: enjoyable, easy to walk, bicycle around

Leadership and governance:

- Context: works with the planning, physical and social context
- Engagement: engages with relevant stakeholders
- Excellence: fosters excellence in innovation and leadership
- Custodianship: considers custodianship and maintenance over time

Creating Places for People: an Urban Design Protocol for Australian Cities, Australian Government (2011)

Diagram courtesy of Creating Places for People – An Urban Design Protocol for Australian Cities

APPENDIX 2

COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT (CABE)

Ten Principles of Design Review

All Design Review is focused on outcomes for people. It explores how a building or place can better meet the needs of the people who will use it and of everyone who will be affected by it. It does this by constructively endeavouring to improve the quality of architecture, urban design, landscape and highway design.

For Design Review to succeed, it must be carried out using a robust and defensible process. It must also offer consistently high standards in the quality of its advice. These standards can be summarised in the following ten principles that were updated in 2013 by the Design Council, Landscape Institute, Royal Institute of British Architects and Royal Town Planning Institute.

Design review is:

INDEPENDENT: It is conducted by people who are unconnected with the scheme's promoters and decision makers, and it ensures that conflicts of interest do not arise.

EXPERT: It is carried out by suitably trained people who are experienced in design and know how to criticise constructively. Review is usually most respected where it is carried out by professional peers of the project designers, because their standing and expertise will be acknowledged.

MULTIDISCIPLINARY: It combines the different perspectives of architects, urban designers, urban and rural planners, landscape architects, engineers and other specialist experts to provide a complete, rounded assessment.

ACCOUNTABLE: The Review Panel and its advice must be clearly seen to work for the benefit of the public. This should be ingrained within the panel's terms of reference.

TRANSPARENT: The panel's remit, membership, governance processes and funding should always be in the public domain.

PROPORTIONATE: It is used on projects whose significance, either at local or national 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: A design review panel does not make decisions, but it offers impartial advice for the people who do.

OBJECTIVE: It appraises schemes according to reasoned, objective criteria rather than the stylistic tastes of individual panel members.

ACCESSIBLE: Its findings and advice are clearly expressed in terms that design teams, decision makers and clients can all understand and make use of.

Design Review Principles and Practice, CABE (2013)

APPENDIX 3

DESIGN PRINCIPLES FOR THE ACT

The *Design Principles for the ACT* support the National Capital Design Review Panel (NCDRP) process. The design principles provide a consistent reference for panel members to review individual proposals to ensure that consistent and high quality advice can be provided. They are also a useful reference for proponents to understand how panel members will review individual proposals.

The *Design Principles for the ACT* enables the consideration of a range of issues including at a broader city, neighbourhood or site specific scale. They are based on similar design principles for the NSW Government as they are considered to be a good example for the promotion of good design and have been incorporated into NSW design review panels since 2002. The Design Principles for the ACT are also informed by the strategic directions set out in the Territory Plan and the Statement of Planning Principles within the National Capital Plan.

The following 10 principles have been developed to reflect the *Design Principles for the ACT*:

Principle 1: context & character

For the consideration of context and character, good design will:

- Respond and contribute to its context, distinctive characteristics of a local area and a sense of place. Context is the key natural and built features of an area, its relationship and the character it creates when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character.
- Recognise the pre-eminence of the role of Canberra and the Territory as Australia's National Capital, that respects the geometry and intent of Walter Burley Griffins formally adopted plan for Canberra and emphasises the national significance of the main approach routes and avenues.

- Respond to and enhance the qualities and identity of the surrounding areas including adjacent sites, landscape, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for future change.

Principle 2: landscape

For the consideration of landscape, good design will:

- Recognise that together landscape and the built form operate as an integrated and sustainable system, within a broader ecological context that results in attractive development with good amenity.
- Maintain and enhance the landscape character of Canberra and the Territory as the setting for the National Capital and protect the undeveloped hill tops and the open spaces which divide and give form to Canberra's urban areas.
- Enhance the development's environmental performance by retaining valued natural features which contribute to the local context, co-ordinating water and soil management, reducing urban heat island effect and allowing good solar access, micro-climate, tree canopy, habitat values and preserving important green networks.
- Optimise the amenity, useability and privacy of the landscape to provide opportunities for social interaction. This includes creating engaging places that contribute to the local identity and character, ensuring equitable access and respect for the public and neighbours' amenity and provides for practical establishment, long term management and maintenance.

Principle 3: sustainability

For the consideration of sustainability, good design will:

- Optimise the sustainability of the built environment to deliver on-going positive environmental, social and economic outcomes in an integrated holistic approach. This includes seeking measures to mitigate against and adapt to the impact of climate change over time to ensure development is resilient over its life cycle.
- Adhere to established principles for water-sensitive urban design to minimise negative impacts on existing natural features, ecological processes and connectivity for natural habitat. It facilitates living infrastructure in all projects at all scales, with water-sensitive urban design; deep soil zones for ground water recharge, large canopy trees and vegetation.
- Reduce greenhouse gas emissions in both construction and operational phases of development, by optimising passive thermal design to achieve amenity and liveability through orientation, sunlight, shade, heating and cooling and use of cross ventilation, designing in renewable energy generation, storage and use, and maximising energy efficiency. Good design reduces resource consumption and costs in operation and generation of waste. It builds-in materials that are recycled and reused.

Principle 4: density & connectivity

For the consideration of density and connectivity, good design will:

- Achieve a high level of amenity for the users of the development resulting in a density appropriate to the site and its context.
- Ensure that appropriate densities are consistent with the area's existing or projected population and that the densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment. This includes along transit corridors and in retail centres.
- Establish connections within the site and considers midblock connections for public access to the surrounding area. This includes connections from the site to the surrounding public transport, vehicular, pedestrian and cycle network to support the residents or users of the development and those passing through the area.

Principle 5: built form & scale

For the consideration of built form and scale, good design will:

- Achieve a scale, massing and height appropriate to the existing or desired future character of the street, surrounding buildings and landscape setting to mitigate negative impacts on the amenity of neighbouring properties and the public domain.
- Achieve an appropriate built form for the site and the building's purpose in terms of building alignments, proportions, building type, and the articulation of building elements in an innovative manner. This includes that the spaces between buildings should be of a scale and character that is defined and suited to purpose.
- Ensure that the appropriate built form defines the public domain, provides a well-designed pedestrian environment at ground level, contributes to the character of streetscapes and parks including their views and vistas and provides internal amenity and outlook.

Principle 6: functionality & build quality

For the consideration of functionality and build quality, good design will:

- Meet the needs of users efficiently and effectively, balancing functional requirements to deliver optimum benefit and performing well over the full life-cycle of the development.
- Create functional environments where the proposed design is suitable for the intended purpose and arranged to facilitate ease of use and good relationships to other spaces. It also provides flexible and adaptable spaces, to maximise utilisation and accommodate appropriate future requirements without the need for major modifications.
- Ensure that build quality is achieved by using good quality, robust, sustainable and complimentary materials, finishes, elements and systems. Projects should be well-detailed, resilient to the wear and tear expected from its intended use, and easy to upgrade and maintain. It will also accommodate the required services and infrastructure in an integrated manner, without detriment to the overall design outcome.

Principle 7: legibility & safety

For the consideration of legibility and safety, good design will:

- Optimise safety and security within the development and the surrounding public domain to minimise the risk of personal harm and support safe behaviour and use. It will also provide for quality public and private spaces that are clearly defined and fit for the intended purpose. This includes maximising passive surveillance of public spaces, connections and communal areas with appropriate lighting and signage.
- Ensure that places are easy to navigate with recognisable routes, intersections and landmarks while being well-connected to the surrounding movement networks. It will also improve legibility and benefit from a clear hierarchy of spaces with identifiable entries and good wayfinding. Externally, buildings and spaces should allow their purpose to be easily understood including the provision of environments that are logical and intuitive, at the scale of the building, site and precinct.

Principle 8: diversity & amenity

For the consideration of diversity and amenity, good design will:

- Achieve a mix of dwelling types and sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed developments respond to social context by providing housing, and facilities that support social and demographic diversity. It also will provide practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction.
- Positively influence internal and external amenity for users of the development and neighbours contributing to positive living and working environments and well-being. It will combine appropriate room dimensions and shapes, access to sunlight for all habitable rooms, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility. Good design is flexible and able to facilitate ageing in place.

- Mitigate negative impacts on surrounding buildings and places. Well-designed external spaces provide protection from unwanted sun, wind, rain, traffic and noise.

Principle 9: community & public domain

For the consideration of community and public domain, good design will:

- Respond to local community needs as well as the wider social context, providing buildings and spaces that are inclusive, can be accessed by everyone and support a diverse range of people and facilitate social interaction.
- Encourage engagement with the community to collaborate for the design of the public domain including the physical, cultural, and social elements that create a sense of place and support its ongoing evolution.
- Encourage social engagement and physical activity in an inclusive manner, encouraging resilient communities and improved social outcomes.

Principle 10: visual appearance

For the consideration of visual appearance, good design will:

- Inform all scales, from the articulation of building form through to materiality and detail, enabling sophisticated, integrated responses to the complexities of local built form and landscape character. This includes achieving a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a balanced variety of materials, colours and textures that considers the streetscape and broader precinct context.
- Assess design quality with the consideration that aesthetics should not be limited to style and appearance alone and that it should also account for design integrity, creativity, innovation, conceptual coherence and cultural relevance in a proposal.

The *Design Principles for the ACT* are available at www.planning.act.gov.au

APPENDIX 4

REFERENCE DOCUMENTS

NATIONAL GUIDANCE DOCUMENTS

- Creating Places for People: an urban design protocol for Australian cities, Department of Infrastructure and Transport, Australian Government (2011)
- Our Cities, Our Future: A national urban policy for a productive, sustainable and liveable future, Australian Government (2011)

TERRITORY GUIDANCE DOCUMENTS

- Australian Capital Territory (Planning and Land Management) Act 1988
- Planning and Development Act 2007
- The Territory Plan (2008)
- The National Capital Plan
- ACT Planning Strategy (2018)
- Transport for Canberra (2012)
- AP2 – The ACT's Climate Change Strategy (2012)
- ACT Climate Change Adaptation Strategy: Living with a Warming Climate (2016)

OTHER REFERENCES

- Design Review Principles and Practice, CABE (2013)

