

Policy			
Title:	Design Review Panel and Assessment of Significant Developments	Code:	LP.06
Purpose or Objective:	<ol style="list-style-type: none"> 1. To detail the types of development proposals that will be referred to the Design Review Panel (DRP); 2. Outline the information to be provided by the applicant to enable an assessment by the DRP, and the requirement for the applicant to address the advice provided by the DRP; 3. Outline the matters to be considered by the DRP in providing advice to the applicant and the local government on the design quality of the development; and 4. To detail relevant administrative requirements in relation to the operation of the DRP. 		
Reference Documents:	<ul style="list-style-type: none"> • Planning and Development (Local Planning Scheme) Regulations 2015 • City of Canning Local Planning Scheme No. 42 		

Policy Statement
This policy sets out the parameters for assessment of significant developments within the local government to optimise land use and design quality outcomes.

1 Scope

This policy applies to applicants, the City of Canning’s (local government’s) officers and DRP members in relation to all proposals for significant development that are to be determined by a delegated officer of the local government, the Council or an external decision making authority.

2 Definitions

Unless otherwise defined, words and expressions in this policy are as defined in Part 6 of the City of Canning Local Planning Scheme No. 42 (the Scheme), the *Planning and Development Act 2005*, State Planning Policy 7.0 Design of the Built Environment (SPP 7.0), State Planning Policy 7.3 – Residential Design Codes of WA (R-Codes), or as defined below:

Delegated officer

an officer of the local government’s Statutory Planning function who, under the local government’s Delegations Register, has authority to make a determination or recommendation on the proposed development or planning proposal.

<i>Design review assessment</i>	verbal and/or written advice provided by the DRP in the format specified in this policy.
<i>Development Review Panel (DRP)</i>	a specialised group of consultants appointed by the Council in the manner and for the purposes specified in this policy, which provides professional and technical advice to the local government's officers and the Council.
<i>DRP primary member</i>	DRP members, including the Chair and Deputy Chair, who are invited to attend a DRP meeting.
<i>DRP alternate member</i>	DRP members who may be invited to attend a DRP meeting if a DRP primary member is unavailable for the scheduled DRP meeting.
<i>Significant development</i>	any proposed development, where at least 1 of the following criteria applies: <ul style="list-style-type: none"> a) multiple dwelling and mixed use developments that comprise more than 10 units; or b) development that is 3 storeys or more in height; or c) development not of the kind referred to in items (1-2) above, but which in the opinion of the delegated officer is: <ul style="list-style-type: none"> i. of a complex or contentious nature; ii. likely to be of significant interest to the community; iii. involves unusual or unconventional design elements; or iv. is likely to benefit from referral to the DRP.
<i>Written planning advice (Pre-Application Requests)</i>	the provision of written advice from the local government's Statutory Planning function in response to an application for written planning advice on a preliminary development proposal submitted by a property development company or an individual.

3 Information to be provided by the applicant

- a) In order to gain maximum benefit from a design review assessment the applicant should provide as much information as possible including, but not limited to, the following:
 - i. plans and elevations that are legible and to scale with an appropriate level of detail including, but not limited to, dimensions, a north point, site and finished floor levels;
 - ii. supporting documentation, including 3D images or perspective drawings and reports/certifications addressing discretionary matters (if available);
 - iii. statements addressing how the development achieves the relevant design principles listed in Part 5 of this policy;
 - iv. a statement on how the DRP's previous comments have been addressed (for developments undergoing a further review);
 - v. a completed Request for Written Planning Advice form or Development Application (DA) form; and
 - vi. payment of the applicable fee for a Written Planning Advice or Development Application as per the local government's Schedule of Planning Fees and Charges.
- b) The above-mentioned information is to be submitted to the local government at least 10 days prior to the DRP meeting date, to be advised by the local government's relevant delegated officer.

4 Presentation by the applicant to the DRP

The applicant is to present plans and provide relevant information for the development proposal, in a maximum 10 minute presentation to the DRP (or longer as agreed by the DRP), including:

- a) The aspirations of the project, contextual understanding and how the project sits within and relates to its surroundings; and
- b) How the development addresses relevant development requirements, including any variations to 'deemed-to-comply' provisions and the design principles outlined in Part 5 of this policy.

5 Format for DRP design review advice

A summary of design review comments and recommendations from the DRP are to be provided to the applicant in verbal and/or written format. The summary will include advice in relation to a structure plan or local planning policy (if applicable), general comments and have regard to the following based on SPP 7.0:

- a) Design principles;
 - i. Context and character
 - ii. Landscape quality
 - iii. Built form and scale
 - iv. Functionality and build quality
 - v. Sustainability
 - vi. Amenity
 - vii. Legibility
 - viii. Safety
 - ix. Community
 - x. Aesthetics
- b) Design assessment;
 - i. design strengths, and
 - ii. how can the proposal be improved.
- c) Recommendation (at least 1 of the below);
 - i. the design is supported, or
 - ii. the design is supported and is of sufficiently high quality to meet relevant scheme provisions in relation to discretionary matters, such as density and plot ratio bonuses or building height, or
 - iii. the design is supported subject to the following conditions, or
 - iv. the design is not supported, or
 - v. as the design is at concept stage only, the plans have not progressed to a stage where a recommendation can be provided.

6 Implementation of DRP design review advice by the applicant and local government

- a) A development proposal lodged for a design review by the DRP and/or determination by the responsible decision making authority is to be prepared by the applicant with due regard to the design principles outlined in clause 5(1) of this policy, and previous DRP design review advice (where applicable).
- b) In making a determination or recommendation on a development proposal, the local government's delegated officer will have due regard to the provision of this policy and the DRP design review advice.

7 DRP terms of reference

7.1 Context

- a) The local government's Statutory Planning function is responsible for processing requests for written planning advice (pre-application requests) and DAs. The provision of written planning advice for pre-application requests is checked and issued by the local government's delegated officers. Determination of DAs is made by the responsible decision-making authority, subject to the relevant State Government Instrument of Delegation and/or the local government's Instrument of Delegation. Responsible authorities may include the Western Australian Planning Commission (WAPC), Metro Central Joint Development Assessment Panel (JDAP), the local government or the delegated officer.
- b) Processing of pre-application requests and DAs must occur in accordance with the relevant statutory planning requirements. This includes assessing and providing advice on significant developments as per the format specified in this policy.
- c) The DRP is only advisory in nature and is not a committee established pursuant to Section 5.8 of the *Local Government Act 1995*.

7.2 Objectives

The DRP will be a key source of advice to the Council, local government officers and applicants in relation to the assessment of significant developments, as per the format specified in this policy.

7.3 Governance

- a) Role of the DRP
 - i. The DRP is established for the purposes of this policy; to provide design assessment feedback on development proposals.
 - ii. The DRP provides professional and technical advice in a formal manner, to the local government's officers and the Council.
- b) Role of the Individual Members

Each member brings to the role a wealth of experience and a capacity to add significant value to the opportunities and challenges facing the community, particularly as it relates to the quality of the built form environment.
- c) Membership
 - i. Membership will comprise of a panel of up to 6 external members.
 - ii. The local government will seek to engage external members so that each DRP meeting will consist of 4 members from the panel.
 - iii. The nominated Chair and Deputy Chair will be invited to all DRP meetings, whereby the third and fourth panel member will be selected by the Chair as detailed in clause 7.3(d)(ii) of this policy.
 - iv. The local government will engage external members who have an appropriate architecture, landscape architecture or urban design qualification comprising:
 - particular experience and expertise in 1 or more of the areas of: urban and regional planning, urban design, energy efficient building design and sustainable development; and
 - relevant skills and experience to provide independent expert advice.
 - skills and experience in design and design review of major development of the type and scale which the DRP will be required to review.
 - eligibility for membership to a relevant professional association.

- v. In addition to the above, the Chair is to have extensive skills in design review, facilitating and directing professional meetings, ability to provide direct advice in a collegial and courteous manner and ability to integrate a range of views and comments.
 - vi. A person who is currently employed by the local government or who is an elected member is not eligible for appointment as a member of the DRP.
- d) Chair and Deputy Chair
- i. The Chair and Deputy Chair will be appointed by the Council.
 - ii. The Chair or Deputy Chair (where acting in the role of Chair) is authorised to select the third DRP primary member from the DRP membership panel for a particular DRP meeting. In selecting the third DRP primary member the Chair is to give consideration to the:
 - Type of development with respect to the skills, expertise and knowledge of the external member; and
 - Frequency of an external member's attendance at previous meetings, involving the subject development.
- e) DRP Support
- i. Local government officers are not members of the DRP and do not have any voting rights.
 - ii. The local government's Executive Manager Statutory Planning or delegated officer will be responsible for:
 - arranging for administrative support for the DRP, including preparation and distribution of the agenda, notice of meeting and business papers, recording of the minutes, arranging the meeting venue, refreshments and coordinating any presentations;
 - contacting an alternative DRP member if a primary DRP member is unavailable for the scheduled meeting; and
 - contacting DRP members in certain circumstances requesting written feedback in relation to minor alterations to plans or subsequent questions / clarifications from the applicant as a result of feedback previously issued by the DRP.
- f) Term of Office
- i. The term of appointment for any new member shall be 2 years.
 - ii. A member may be nominated for re-appointment upon the expiry of their term.
 - iii. Should a vacancy occur during the term of office, the process to fill the causal vacancy will follow the normal process for appointments.
- g) Resignation
- A DRP member may resign at any time. The resignation must be in writing and addressed to the local government's Executive Manager Statutory Planning stating their intention to resign from the DRP. Resignations will be acknowledged by the Executive Manager Statutory Planning or delegated officer.

7.4 Meetings

- a) Scheduled Monthly and Special Meetings
- i. The DRP will meet monthly, or special meetings may be convened to deal with specific issues.
 - ii. A scheduled monthly meeting will be limited to a maximum of three hours duration unless the DRP resolves to extend the meeting to a particular time or the completion of business.
 - iii. The location, date and starting time for meetings will be advised on the agenda.
- b) Attendance and quorum

- i. The quorum for each meeting will be no less than 2 DRP members. If a quorum is not present within 30 minutes of the time appointed for the commencement of the meeting, the meeting shall lapse.
 - ii. The 4 primary members, including the Chair, Deputy Chair and third and fourth member selected by the Chair, will be invited to attend a DRP meeting. Where a primary member is unable to attend a meeting, subject to sufficient notice being given, the local government's Executive Manager Statutory Planning, in liaison with the Chair, will invite an alternate member.
 - iii. A member who is unable to attend a particular meeting is to advise the DRP Support and Chair in advance of the meeting date.
 - iv. A member who will be absent from more than three successive meetings is to apply in writing the DRP Support and Chair for a leave of absence.
 - v. DRP meetings are not open to members of the public.
 - vi. The local government's Executive Manager Statutory Planning or delegated officer will attend the meeting to provide a briefing to the DRP members on each proposal for consideration and will identify any particular aspects upon which comments and advice are required.
 - vii. The DRP Support will attend the meeting to record the minutes.
 - viii. The applicant and their architect, and other relevant specialist involved in the design, will be invited to present their proposal to the DRP at the relevant part of the meeting.
- c) Agendas and Minutes
- i. The DRP Support will email a copy of the agenda, development plans and supporting documentation to DRP members at least 5 working days prior to the date of the meeting.
 - ii. Each meeting shall be properly recorded by the taking of minutes by the DRP Support in the format specified in this policy, along with any other relevant comments and recommendations.
 - iii. The minutes will record consensus agreement on actions and any points of agreement/disagreement. They will not reflect verbatim discussion on issues or matters discussed during debate prior to consensus agreement being reached. At the end of each meeting, following departure of the applicant(s), the Chair will read out the agreed actions and any points of agreement to the meeting to ensure they accurately reflect the consensus view.
 - iv. The minutes will be checked and approved by the Chair and distributed to all members and the applicant within 5 working days after the date of the meeting.
 - v. The minutes will be provided to the applicable responsible decision-making authority, with a summary of whether the application has addressed the relevant issues or matters.

7.5 Code of Conduct

- a) Each member of the DRP is required to observe the local government Code of Conduct.
- b) Members should act in a professional and responsible manner with the information they obtain as a DRP requires openness and honesty to function well.
- c) Members should feel free to express their opinions and views without fear of recrimination. It is therefore important that members respect each other (often despite differences) and work together to create an open and trusting atmosphere.
- d) It is essential for members to accept collective responsibility, and remain loyal to decisions of the DRP, even where they may not have agreed with the final decision.

7.6 Confidentiality and Privacy

Members may have contact with confidential or personal information retained by the local government. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so.

7.7 Conflict of Interest

- a) All members need to be aware that any conflict of interest needs to be recognised. On receipt of the agenda, if a member has an interest in the matter, then the member is required to declare the interest and a replacement alternate member will be called to fill in for that item or meeting. The minutes of the meeting will record the declaration and note the vacancy during discussion. Once the matter has concluded, the Chair will invite the member back into the meeting. If a member is unsure whether they have an interest in a matter, they are encouraged to raise the issue with the senior local government officer in attendance at the meeting.
- b) Any person who has a financial and proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.

7.8 Operational Funding and Remuneration

- a) The DRP is to provide advice in response to the requirements of this policy, which is a statutory planning instrument.
- b) The local government's operational budget contains funds for engaging members of the DRP.
- c) Members shall be paid an hourly sitting fee for attendance at DRP meetings (to a maximum of 3 hours per sitting). The sitting fee shall be based on the duration of the meeting. The fee is to be reviewed annually, in conjunction with the annual review of the local government's Schedule of Fees and Charges.
- d) The fee for out of meeting costs (initial review of proposal, site visit and travel commitments), shall be set at 1.5 hours (at the hourly sitting fee rate) for each listed DRP meeting, unless extenuating circumstances require additional time and payment and this is agreed to by the local government prior to the work being undertaken.
- e) The Chair will be paid an additional hour (at the hourly sitting rate) outside of the meeting to accommodate for their additional responsibilities.
- f) If a member of DRP appears on the local government's behalf as an expert witness at the State Administrative Tribunal or to assist in the presentation of the local government's recommendation to a JDAP, the member is to be paid at an agreed hourly rate consistent with the qualifications, experience and professional status of the member.

7.9 Media Protocol

Members are not to speak to the media in their capacity as DRP members. In accordance with the local government's media policy, the Mayor is the only person permitted to speak to the media on behalf of the local government.

Governance References

Statutory Compliance	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i>; • Planning and Development (Local Planning Schemes) Regulations 2015; and • City of Canning Local Planning Scheme No. 42
Process Links	<ul style="list-style-type: none"> • D15/141161 – Request for Written Planning Advice form; and • D14/269894 – Application for Development Approval form

Policy Administration

Program		Officer title	Date last approved
Canning Sustainable Development		Director Canning Sustainable Development	15 October 2019
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