



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, including the format for the DRP proceedings. 		
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
<p>This policy sets out the parameters for assessment of significant developments within the local government to optimise land use and design quality outcomes.</p> <p>The Policy established the Design Review Panel which is used by the City of Canning and City of Gosnells.</p>

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.

Design Review Assessment

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>	<p>Any proposed development, where at least one of the following criteria applies:</p> <ul style="list-style-type: none"> a) Multiple dwelling, and mixed use developments, that comprise more than 10 units; or b) Development that is three storeys or more in height (single houses exempt); or c) Any Precinct Structure Plans, or Structure Plans; or d) Development not of the kind referred to 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. A commercial development (i.e. Shopping Centre) that is significant in scale; and iv. A significant application that is eligible for consideration by the Development Assessment Panel (or Joint Development Assessment Panel), pursuant to Part 2, Section 5 and 6 of the <i>Planning and Development (Development Assessment Panels) Regulations 2015</i>; v. Involves unusual or unconventional design elements; or vi. 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 Design Review Format

3.1 Information to be provided by the applicant

- a) In order to gain maximum benefit from a design review assessment the applicant should provide a sufficient amount of information that would enable the DRP to conduct an assessment of the proposal. This should include, 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 and site plan;
 - ii. Supporting documentation, including 3D images or perspective drawings; and reports/certifications addressing discretionary matters (if available);
 - iii. A brief statement addressing how the development achieves the relevant design principles listed in Part 5 of this policy;
 - iv. A brief 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 104 days prior to the DRP meeting date, to be advised by the local government's relevant delegated officer.

3.2 Timing for the DRP Meeting

A Design Review should take place prior to the formal lodgement of an application for consideration (preferable) or after the submission of an application to the City for formal assessment.

3.3 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.

3.4 Design Principles and DRP Advice

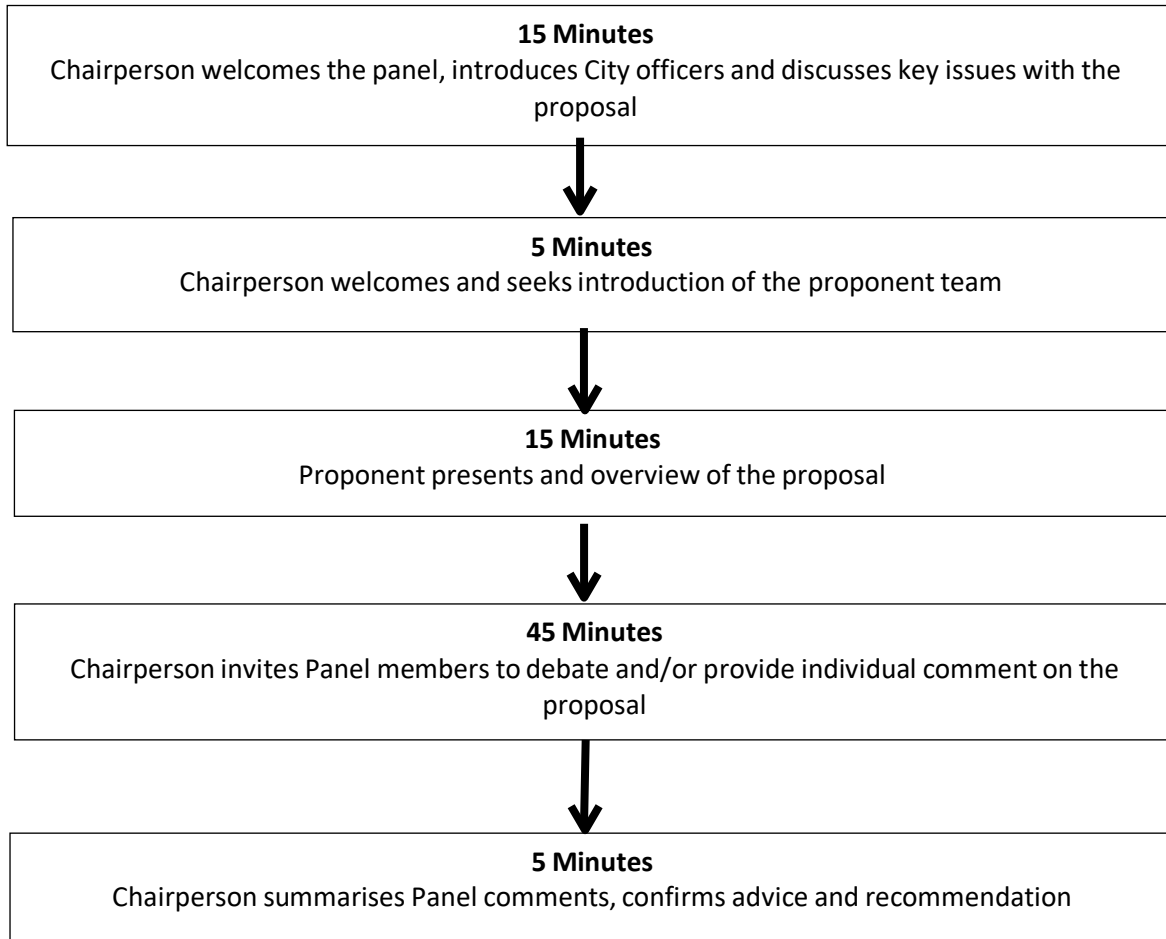
The proponent and the Design Review Panel will take into consideration the following design principles (but is not limited to) when assessing a development proposed for apartment and mixed use development as defined in Part 4, SPP 7.0 'Design Principle' from the WAPC's Design Review Guide:

- a) The following '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; and
 - x. Aesthetics.

- b) In addition to principles identified in Clause 3.4 (a), the Design Review Panel will take into consideration the following when assessing a development proposal (apartment, mixed use or otherwise) if requested by the City:
 - i. Other relevant State Planning Policies (i.e. Residential Design Codes);
 - ii. City's Local Town Planning Scheme;
 - iii. Any Structure Plan or Precinct Plan that is applicable;
 - iv. Any relevant Local Planning Policy and/or Local Development Plan;
 - v. Any other policy, State and Local that is applicable.
- c) In its assessment the DRP is required to articulate the following:
 - i. Design assessment;
 - ii. Design strengths, and
 - iii. How the proposal can be improved.
- d) The proponents and the DRP will take into consideration the following when assessing a Structure Plan:
 - i. Liveable Neighbourhoods Policy;
 - ii. Design WA documentation reflective of Structure Plan and Neighbourhood design; and
 - iii. Relevant Federal, State and Local Environment and Planning Policies.
- e) On conclusion of its assessment the DRP is to provide at least one of the following recommendations:
 - 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 (i.e. for Development Proposals), 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.

3.5 Design Review Process

The design review process will typically follow the format detailed below:



4 Implementation of DRP Design Review Advice by the Applicant and Local Government

- A Planning 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).
- In making a determination or recommendation on a Planning proposal, the local government's delegated officer will have due regard to the provision of this policy and the DRP design review advice.

5 **DRP Terms of Reference**

5.1 **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 Planning Applications 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*.

5.2 **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.

5.3 **Governance**

- a) **Role of the DRP**
 - i. To provide expert and technical advice to proponents, City Officers and in relevant circumstances to Council in relation to the design of planning applications listed as 'significant development' in this policy or other applications or proposals as requested by the City.
 - ii. The DRP performs an advisory function and does not make decisions on proposals.
- b) **Role of the Individual Members**
 - i. 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 8 external members.
 - ii. The local government will seek to engage external members so that each DRP meeting will consist of a minimum of 2 members from the panel.
 - iii. The members selected for a DRP will attend as an expert to provide advice and the meetings themselves will be chaired by the nominated Panel member.
 - iv. The local government will engage external members who have an appropriate architecture, landscape architecture, Town Planning 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.
- d) Chair of the Design Review Panel
- i. The nominated Chair of the DRP will be a member of the DRP panel.
 - ii. The Chair of the Design Review Panel is to ensure that proceedings are conducted in an orderly and proper manner and within the timeframes set by the Design review format. Where necessary the Chair is to facilitate discussion and responses to questions raised during the review process and to make opening and closing remarks for the review process.
- e) Selection of Panel Members
- i. The City will select the Design Review Panel members required to undertake a review of the Planning Application. The number of members and their expertise required will be at the discretion of the City but should not be less than 2 members.
- f) DRP Support
- i. The City will nominate one of its officers to provide support for administration and note taking.
 - ii. The City's officers are not members of the Design Review Panel and do not have any voting rights.
 - iii. The Nominated Support 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.
- g) 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; and
 - iii. Should a vacancy occur during the term of office, the process to fill the causal vacancy will follow the normal process for appointments.
- h) Resignation
- A DRP member may resign at any time. The resignation must be in writing and addressed to the local government's Manager City Planning stating their intention to resign from the DRP. Resignations will be acknowledged by the Manager City Planning or delegated officer.

5.4 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; and
- 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 2 (minimum) primary members, selected by the City, 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 Manager City Planning, 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 DRP Support will attend the meeting to record the minutes;
 - vii. 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; and
 - viii. Where possible the same Design Review Panel members will be convened to assess an application that is required to be reviewed by the panel at several meetings.
- 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 five working days prior to the date of the meeting;
 - ii. The DRP members will be required to record their comments on a form provided by the DRP support and submit these comments to the DRP support following the DRP meeting to assist in minute taking;
 - iii. 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;
 - iv. 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;
 - v. The minutes will be checked and approved by the Chair and distributed to all members and the applicant within five working days after the date of the meeting; and
 - vi. 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.

5.5 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; and
- 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.

5.6 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.

5.7 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; and
- 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.

5.8 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 three 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, notes, 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; and
- 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.

5.9 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 Development		Director Canning Development	21 September 2021
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1	SD-014-19	Final adoption	
2	CD-017-21	Draft for advertising	
3	CD-028-21	Final adoption	