



Presented to	Ordinary Meeting of Council 13 December 2022.
Related to Item	UP22/4007 – Review Of Local Planning Policy 1.2 – Design Review Panel
Submitted by	Manager Statutory Planning
Attachments	Design Review Guide

This advice note is provided in response to an alternative motion tabled by Cr Fitzgerald at the November OMC.

The alternative motion in question is as follows:

That the Council rejects the officer recommendation to adopt the modified LPP 1.2 and instead directs:

2. That LPP 1.2 be redrafted to:

- a. include provision for membership by one community representative and at least one academic member and include a preference for panel members to be residents of the City of Melville*
- b. identify explicitly the role of the Design Review Panel in ensuring proposed designs meet the City's published policies*
- c. ensure that appropriate emphasis is placed on the need for proposed designs to be environmentally sustainable.*
- d. Add to d.2.1 a preference for at least 50% of the panel to comprise of City of Melville residents*

2. That the redrafted LPP 1.2 be advertised for public comment.

The recommendation of City officers is not to proceed with the above for the following reasons.

A – The inclusion of a community member will compromise the ability of the Design Review Panel to provide independent, expert advice as required by the State government Design Review Guide (DRG).

B – The Design Review Panel is not a decision maker. The role of the Design Review Panel is to provide advice in relation to the design quality of the proposal. The role of the administration is to assess a proposal against the relevant provisions of the planning framework including the local planning scheme, local planning policies and activity centre plans. At the completion of this assessment the administration will decide on the matter or to provide a recommendation to the relevant decision maker.

C – Sustainability is one of the 10 Design Principles contained in State Planning Policy 7.0 Design of the Built Environment. The Design Review Panel consider the sustainability of a proposal as a part of its review and provide comments in the report produced at the conclusion of each meeting.

D – The expression of interest process will be carried out with the City of South Perth. The successful members will provide design expertise across both local governments. It is therefore not practical or equitable to require 50% of the membership to be City of Melville residents.

Further comment and advice in respect of part a and d is provided as follows:

Since the matter was deferred at the November OMC, Officers have met with representatives from the Office of the Government Architect to gain some clarity and advice regarding the alternative motion, with specific reference to part 1a and 1d.

The State Government has published a Design Review Guide (DRG) (see link above) to complement the suite of planning policy documentation in respect of the broader design agenda associated with State Planning Policy 7.0 Design of the Built Environment. The DRG is designed to assist local governments with the establishment and operation of design review panels with the aim of supporting consistency in design review across the state.

The advice contained within the DRG suggests that Design Review Panels (DRP) shall operate in an impartial, apolitical, and independent manner, the role of the DRP being to provide independent and expert design advice in respect of development proposals, to assist in the achievement of optimum design outcomes, as well as assist decision makers when considering such development proposals.

There is a strong emphasis throughout the DRG regarding the need for design review to be both independent and expert. The DRG states:

*'Design review is the process of **independently** evaluating the design quality of a built environment proposal. It is carried out by a **panel of appropriately-trained, multi-disciplinary built environment professionals**, who are experienced in offering objective and constructive design advice'*

The DRG outlines 10 principles for effective design review, including:

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

*'**Expert** – It is carried out by suitably trained people who are experienced in design and know how to critique constructively. Review is usually most respected when it is carried out by professional peers of the project designers, because their standing and expertise will be acknowledged.*

*'**Multi-disciplinary** – It combines the different perspectives of architects, urban designers, planners, landscape architects, engineers and other specialist experts to provide a complete, rounded assessment.'*

The DRG continues in respect of the expertise of members on such panels, recommending that local governments should:

'ensure that panel members have a range of design and built environment expertise in one or more of the following disciplines:

*Architecture (essential)
Landscape architecture (essential)
Urban design (essential)
Heritage
Sustainability and environmental design
Services engineering
Accessibility
Transport planning
Planning
Public art
Civil and/or structural engineering'*

The DRG states that whilst *'local knowledge is useful, a balance between local and subject expertise from outside the local government area should be sought in order to optimise the range and calibre of expertise available. All Design Review Panel members should be eligible for registration and maintain good standing with their respective professional bodies'*.

In respect of Part 1a of the alternative motion, the appointment of a community representative would, in the opinion of the Office of the Government Architect, be inconsistent with the DRG. This view is shared by City officers.

It is clearly expressed by the DRG that expertise is critical for the successful and independent operation of the DRP, and whilst a panel member of suitable professional standing and expertise could feasibly reside within the City and maintain panel membership, the key qualification for such membership relates to their professional expertise, not their place of residence.

In addition, there is concern that the inclusion of a non-expert community panel member could itself be a conflict of interest, noting that panel members who may have a proximity interest in respect of a matter or proposal that is the subject of design review are required to declare such an interest prior to the review process taking place. In that respect community members are more likely to have to be excluded from the design review process given their proximity interests. This would run counter to the successful and independent expert nature of the design review process, and would be counter intuitive to the purpose of the design review process which as stated is to operate in an impartial, apolitical, and independent manner, and provide independent and expert design advice in respect of development proposals, to assist in the achievement of optimum design outcomes.

In respect of Part 1d of the alternative motion, whilst it is acknowledged that this clause expresses a preference for 50% of the panel membership to comprise City of Melville residents, the more important pre-requisite for membership of the DRP should be based on the expertise of panel members, not their resident status. There is concern that to introduce a preference such as this will result in a weaker, less independent, and less expert panel, to the detriment of the objective of achieving optimum design outcomes for the City. In addition, the appointment of the CBACP DRP is a shared exercise with the City of South Perth as is required by the provisions of the CBACP. This would make the preference for 50% membership to be from the City of Melville impossible to implement.

