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Draft Local Government Design Review Panel Manual

Thank you for the opportunity to provide feedback on the draft Local Government Design Review Panel Manual (the draft Manual).

The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in WA, with members across both private and public sector organisations. Our Vision is for 'Diverse living options in thriving, connected communities', and we strive to support this in working towards our Purpose of 'Great places + Housing choice = Better lives'.

UDIA WA welcomes the draft Manual, which is a useful guide for local governments in establishing and operating DRPs. UDIA WA also acknowledges the importance of the design review process as it was originally conceived. Ensuring the design review process is balanced and is applied as intended is important for its effectiveness, and enabling the timely delivery of diverse housing and the creation of great places for the community to live. This should be paramount in decision-making.

Whilst we do have some specific comments on the draft Manual which are reflected in the below, we also see this as an opportunity to highlight and seek to address implementation challenges in the context of the intended purpose of Design Review Panels (DRPs) in the development process.

While there is an opportunity to provide greater clarity around some of these matters directly in the Manual, we believe some can also be alleviated to an extent through ongoing training of panel members and local governments to ensure roles, responsibilities and requirements are understood by all, which in turn ensures the right review at the right time, appropriate for the context.

Current processes and implementation challenges

Contextual understanding

- A consistent theme from UDIA WA member feedback is DRPs seek the achievement of 'design excellence' across all project types, despite compliance and achievement of the guiding 10 principles of good design outlined in *State Planning Policy 7.0 - Design of the built environment*. DRPs should consider what is appropriate and reasonable for one development may not be for another. Good design is measurable, is objective and can be more than one thing at a time. The importance of context in delivering good design outcomes should be considered individually and, on a project-by-project basis.
- Expectations of design excellence should be calibrated to the project scale and budget. This should be a constant lens through which questions of design excellence are considered by the DRP.



- Judgements about a site or its context are commonly made without visiting the site. The draft Manual does seek to address this, and we would look for this to be reinforced as a key point of procedure in the delivery of a design review.
- Additionally, at times there is a clear lack of understanding as to the relevant planning frameworks and processes resulting in applicants needing to ‘defend’ compliant developments. This issue is common where grouped or single dwelling proposals are referred (as distinct from apartment developments, which do not have a compliance pathway under the R-Codes). Consideration should be given to how this can be addressed.

Scope creep

- DRP assessment should be undertaken by design professionals. The DRP process is not another means to receive inputs from elected members or members of the public, where there are ample other avenues to influence or determine a proposal. The DRP process should be focussed on design quality, as assessed by relevant experts and in accordance with the ten design principles established by WAPC in the SPP.
- It has become common to see scope creep for matters that should be considered outside the bounds of ‘design’, including matters pertaining to traffic generation, parking supply, waste collection and most pertinently, development assessment.
- These matters should be reviewed by experts in these fields, which is not appropriate in a design review context.
- Whilst development assessment and urban planning are intrinsically linked with design review, it is understood proponents commonly experience DRPs overstepping their responsibilities. The following is an excerpt of minutes from an inner urban DRP in November 2024:

“Consider incorporating compliant side setbacks for all levels, including ground, to assist with achieving ‘Design Excellence’.

Comply with the maximum site coverage requirements.

Comply with the maximum floor plate size requirements.”

Lack of questions and discussion

- DRPs are very quick to move to providing feedback based on their review of the drawings received and are commonly not seeking to achieve a genuine understanding of the design or how the designer has approached aspects of the design.
- This comes back to a movement away from a ‘conversational’ approach to design review, which originally provided applicants an opportunity to discuss particular aspects of the design before assumptions have been made and supported collaboration to achieve good design outcomes.
- DRP members may come in with draft opinion of design quality against the ten principles, but they should be instructed to ask questions to check their assumptions and understand the design rationale, especially if there is a need for them to make assessments outside of their professional expertise (e.g. landscape architects on built form).

Overuse and inappropriate use of design review

- Strategic planning proposals including activity centre plans, scheme amendments, structure plan amendments are being put to design review.
- The composition of a standard DRP would mean that reviewing these strategic proposals extends beyond their area of expertise. As a result, there is an undue focus on concept plans and additional details beyond what is available at the stage of design.

Excessive detail

- There is detail being requested at the design review stage which should be considered unreasonable.
- For example, although most local governments encourage early design review with concept plans, proponents are often criticised by DRPs for not providing enough detail that allows them to make conclusive judgements. More extreme examples include artwork designs and detailed landscape designs at early stages.
- Furthermore, UDIA WA member feedback suggests it has seemingly become an unwritten rule for many design reviewers that proponents should engage a sustainability consultant and offer 'a sustainability narrative' even where the planning framework does not require it.
- UDIA WA members have also reported that DRPs will often comment on fastidious detail such as internal features, parking design, landscape species and the like. This quest for 'perfect design' is often causing secondary and tertiary design reviews and additional time to the process.

Timeframes

- At present, the timeline to have an application reviewed and turned around with comments is far too long.
- Scheduling dependent, there are local governments where it may take up to six weeks for a matter to be listed and then several weeks until the meeting. For example, where local governments have monthly design review meetings and require submissions two to three weeks in advance, proponents may be waiting six weeks for the meeting.
- Most local governments issue minutes two weeks after the meeting. This is inconsistent with formal local government committees, where minutes are to be issued within seven days.
- Recognising most projects will require more than one design review, this issue is causing delays in approval timeframes.

General operation of DRPs

- It is important to ensure clarity of roles and responsibilities e.g. the role of panel members / Council planners / members of the public / elected members.
- Council planners should assist in controlling conversations / feedback to proponents by DRP members (including DRP members providing feedback within the realm of their expertise) and separating feedback that is design related vs planning outcome based in assessing applications.
- When a design element has been resolved (e.g. received a green light), this should be tacit acceptance that it need no longer be revisited to avoid further, unnecessary delays.



Specific comments on the draft Manual

As outlined above, we consider the draft Manual offers a useful guide for local governments in establishing and operating DRPs. The procedures are largely in line with best practice.

We offer the following recommendations for your consideration:

- Page 8 – Projects eligible for LGDRP consideration – It is recommended that guidance be included in this section to improve clarity and consistency between local governments for what does and does not require design review. Anecdotally, it is apparent that some local governments are using design review for matters where it does not offer significant benefit such as single houses, industrial development and strategic planning proposals (e.g. scheme amendments). There is an opportunity here to provide guidance for local governments on this matter.
- Page 19 – A pool of 10 to 25 members is suggested for Band 1 and 2 local governments however, this is considered too large and would increase the chances of inconsistency between reviews.
- Page 27 – Tips and resources – The text suggests reviews should be rescheduled for late information. However, it should be recognised and clarified that it is impractical for proponents to cease design work whilst awaiting a meeting or awaiting minutes. As outlined above, the full design review process can take up to eight weeks and is seldom less than four weeks. Whilst we agree any major re-designs should require rescheduling, minor updates can and should be accepted closer to the meeting date. Proponents cannot be expected to cease design work for this period of time and DRPs should be sympathetic when considering minor updates as late information.

Summary

While the above may seem as though they are relatively minor issues, the cumulative outcome is that these are making it more difficult, longer and more costly to obtain development approvals. Amid a housing crisis, there is an opportunity for the design review process and DRPs to become more helpful in facilitating good design outcomes while simultaneously supporting the timely delivery of much-needed housing.

We trust that our comments assist in the finalisation of the Manual and with enhancing the ongoing implementation of the design review process, to ensure it functions in an effective and efficient manner. Should you require further information or wish to discuss this further, please contact Isaac George, Policy Officer at igeorge@udiawa.com.au or 9215 3409.

Thank you again for the opportunity to provide feedback.

Yours sincerely

A handwritten signature in black ink, appearing to read 's macaulay', is positioned above the typed name.

Sarah Macaulay
Acting Chief Executive Officer