

Local Planning Policy 1.3: Design Review Panel

INTRODUCTION

Integrating design in the planning framework is a key component of achieving good design outcomes. Design review is a mechanism for integrating qualitative design assessment of proposals in the planning process. Design review assists in the development of strategic planning proposals, and in the assessment of performance based outcomes.

This Policy outlines the role of the Town's Design Review Panel; to provide independent, expert advice to improve the design quality of new development proposals or projects. The Policy also provides a framework for the establishment of the Town's Design Review Panel, the appointment and responsibilities of panel members, and procedures in the operation of the Design Review Panel.

APPLICATION

This policy is made pursuant to clause 4 of the *Deemed Provisions for Local Planning Schemes [Planning and Development (Local Planning Schemes) Regulations 2015]* (Deemed Provisions).

Pursuant to clause 36 of the Town of Cambridge Town Planning Scheme No. 1 (the Scheme), the Council may appoint a design advisory committee, the purpose of which is to consider and advise Council with respect to design matters relating to development. The establishment of the Design Review Panel is the appointment of the Town's design advisory committee.

The Design Review Panel is an advisory body only and is not established as a Committee under clause 5.8 of the *Local Government Act 1995*, as Council has not delegated the exercise of powers or discharged duties to the panel.

This policy applies to proposals and development on land that is reserved or zoned within the Town of Cambridge.

OBJECTIVES

- To improve the design quality and functionality of new development within the Town through the provision of independent expert advice to the Council, Town and to proponents on the design of specific development proposals, applications and planning matters.
- To outline the principles of good design by which new development will be assessed - context and character, landscape quality, built form and scale, functionality and build quality, sustainability, amenity, legibility, safety, community and aesthetics.
- To ensure the heritage, character and natural features of the area are protected and reflected in new development.
- To ensure the Design Review Panels advice is consistent with the principles of good design, and the objectives and intent of the Town's policies and strategies.

- To outline the establishment, role and responsibilities of the Design Review Panel, types of proposals to be considered by Design Review Panel, meeting procedures and terms of remuneration of panel members.

DEFINITIONS

DRP	The Design Review Panel referred to in this Policy.
Financial interest	A member has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.
Proximity interest	<p>A person has a proximity interest in a matter if the matter concerns:</p> <ul style="list-style-type: none"> • a proposed change to a planning scheme affecting land that adjoins the person's land; or • a proposed change to the zoning or use of land that adjoins the person's land; or • a proposed development (as defined in section 5.63(5) of the Local Government Act) of land that adjoins the person's land. <p>Land (the proposal land) adjoins a person's land if:</p> <ul style="list-style-type: none"> • the proposal land, not being a thoroughfare, has a common boundary with the person's land; or • the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or • the proposal land is that part of a thoroughfare that has a common boundary with the person's land. <p>A reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.</p>
Impartiality interest	<p>A member is considered to have an interest in a matter if the member has:</p> <ul style="list-style-type: none"> • financial, commercial or professional interest in a project, its client and/or its site; or • a personal relationship with either the site or an individual or group involved in the project, where that relationship prevents the member from being objective.

PROVISIONS

1. Role of DRP

The DRP is a specialised group of consultants selected by the Council to provide independent, impartial, expert design advice:

- To proponents and the Town's officers on the design quality of proposals;
- To decision-makers (the Town, State government, Development Assessment Panels, the State Administrative Tribunal) on relevant development applications or other proposals; and

- To the Town, where requested, on strategic policy, master plans, precinct plans, local development plans, structure plans, activity centre plans, local planning schemes and amendments, or other matters.

The DRP performs a purely advisory function and does not have any power to make decisions. As such the comments and advice of the DRP are not binding on the Town, but assist the Town in making better informed decisions. The DRP advice and comments are provided on a 'without prejudice' basis.

2. Matters to be referred to the DRP

Planning proposals in the following categories are to be referred to the DRP for their professional and technical advice and comments:

- Any proposal that includes the construction of a building that is 3 storeys or greater in height (above natural ground level), excluding single residential dwellings;
- Any proposals of ten or more grouped dwellings;
- All proposals with a multiple dwelling component;
- Proposal for non-residential development abutting Residential zoned land, which, in the opinion of the Town, is likely to have a significant impact on the adjoining properties, surrounding area, or the locality;
- Any proposals that meet the mandatory requirement to be determined by the Joint Development Assessment Panel;
- Any proposals for public works of regional significance;
- Any other proposal, planning matter, or project, which in the opinion of the Town, the Town would benefit from obtaining the DRP's comments, including, but not limited to:
 - Studies relating to special areas or precincts;
 - Proposed Local Planning Policies or Policies that have planning implications, as appropriate;
 - Planning strategies or principles newly proposed or under review, as appropriate;
 - Proposed Local Development Plans, as appropriate;
 - Proposed amendments to the Town Planning Scheme, as appropriate; and
 - Any other matters related to the design of buildings.

Proposals or projects of state or regional significance may be referred to the State Design Review Panel, for their professional and technical advice and comments.

3. Aspects of proposals to be considered by the DRP

The DRP does not report on compliance with the Scheme or the Town's policies, however it may be requested to examine proposals against the background of the provisions of TPS1, the matters for consideration contained in clause 67 of the Deemed Provisions, the Residential Design Codes (R-Codes) and relevant the objectives, intent and provisions of local planning and Council policies.

The DRP shall examine proposals referred to them in relation to the following performance-based design principles of State Planning Policy 7.0: Design of the Built Environment, as well as other aspects:

3.1. Context and character

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.

3.2. Landscape quality

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.

3.3. Built form and scale

Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

3.4. Functionality and build quality

Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.

3.5. Sustainability

Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.

3.6. Amenity

Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.

3.7. Legibility

Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around

3.8. Safety

Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.

3.9. Community

Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.

3.10. Aesthetics

Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

Further guidance on the design principles is provided in State Planning Policy 7.0: Design of the Built Environment

4. Membership

4.1. Composition and eligibility for membership

- (a) The DRP is generally comprised of five Primary Members and five Deputy Members to cover absent members and/or provide specialist advice. The members are chosen by a selection panel and endorsed by Council for appointment by the Chief Executive Officer.
- (b) All DRP members shall be highly regarded, and shall be eligible for registration and maintain good standing with their respective professional bodies.
- (c) The panel shall consist of members with expertise and appropriate qualifications in the following essential disciplines: architecture, landscape architecture, urban design and town planning.
- (d) In addition to the essential disciplines, the panel may contain some members with expertise and appropriate qualifications in the following optional disciplines: heritage, sustainability and environmental design, services engineering, accessibility, transport planning, public art, and civil and/or structural engineering.
- (e) In addition to expertise and qualifications, members shall have:
 - Relevant skills and experience in providing independent expert advice;
 - Skills and experience in design and design review of major developments of the kind and scale which the DRP will be required to review; and
 - Knowledge of the composition, character and desired built form of the Town.
- (f) The DRP shall consist of a minimum of two members (between the Primary and Deputy members) that reside, are a landowner and/or have a practice or business in the Town of Cambridge.
- (g) A person who is currently employed by the Town of Cambridge or who is an elected member of the Town of Cambridge is not eligible for appointment as a panel member.
- (h) The Town may appoint alternate members of the State Design Review Panel Members, as required.

4.2. Selection and appointment

- (a) Suitable candidates will be recruited through an appointment process, which includes:
 - Public advertising seeking formal Expressions of Interest (EOI);

- Consideration of EOIs by an appropriate selection panel;
 - An interview process, if required, to confirm appropriate design review expertise; and
 - A report with EOI submissions (included as a confidential attachment) and recommendation/s for member/s appointment presented to Council.
- (b) EOIs for membership shall consist of a letter of interest, Curriculum Vitae, examples of previous work and experience, a minimum of two professional referees and any other information deemed necessary by the Town to make a decision on the appointment.
- (c) Following the completion of the above selection process, all details of the appointment will be confirmed in writing, a contract shall be prepared and a member induction will be scheduled.

4.3. Term of appointment of members

The appointment of a member of the DRP will be effective from the date of the Town's receipt of written acceptance of an invitation concerning the appointment. The term of appointment of any member is to be a maximum of two years, subject to the following:

- (a) A member may be reappointed for one or more further terms.
- (b) Where necessary, Council may also extend the term of a current panel by up to six (6) months.
- (c) The Council may terminate the appointment of any member of the Panel prior to the expiry of the term of office for the following reasons:
- The member is absent from more than three successive meetings without having obtained leave of absence from the Town;
 - The member is not considered to be making a positive contribution to the DRP or the member has not demonstrated a satisfactory level of attendance at meetings;
 - The member is in breach of the Town's Code of Conduct;
 - The member or the member's actions are in breach of the requirements under this Policy;
 - The member's conduct, action or comments bring the Town into disrepute; or
 - Council resolves to amend the configuration of the DRP membership at any time.

4.4. Member responsibilities

- (a) All DRP members:
- Are required to observe the Town of Cambridge Code of Conduct;
 - Attending a DRP meeting shall familiarise themselves with all information provided prior to the DRP meeting and prepare comments in advance, to enable effective use of meeting time;
 - Shall provide independent, impartial, expert design advice for proposals or matters referred to them;

- May be required to attend site visits, meetings with Town staff or consultants, Committee, Council, Development Assessment Panel or State Administrative Tribunal meetings as necessary;
- Are not authorised, either collectively or individually, to speak on behalf of the Town or provide comment to the media;
- Are not to provide advice outside of a DRP meeting directly to a proponent, Elected Members or any other external party in respect of any matter under consideration at a DRP meeting, unless directed otherwise by the Town;
- Are to provide notice as soon as practical to the Town of their inability attend a meeting; and
- Are to declare any financial, proximity or impartiality interest as soon as practical and prior to a matter being discussed.

4.5. Remuneration

- (a) All Panel Members are considered to be engaged as a contractor of the Town.
- (b) All Panel Members shall be paid, as per their established hourly rate of pay:
 - Sitting fees for attendance at DRP meetings, based on the duration of the meeting, to a maximum of 3 hours per sitting;
 - To review proposals prior to a DRP meeting, based on the duration spent reviewing the proposal, to a maximum of thirty minutes per matter to be considered;
 - For attendance at non-DRP meetings, such as SAT, JDAP or other meetings as required by the Town, based on the duration of the meeting; and
 - For written advice, as requested by the Town, based on the duration spent preparing the advice.
- (c) The established hourly rate of pay for all Panel Members shall be determined by Council, at the time of appointment of the Panel Members, and will be detailed in the contracts of each of the Panel Members.

5. Meetings

5.1. Scheduled monthly and special meetings

Meetings of the DRP are to be held on one regularly scheduled day each month. From time to time, the Town may call a special meeting of the DRP to deal with a particular proposal or issue.

5.2. Quorum and attendance

- (a) A meeting of the DRP may not proceed unless a quorum comprising of a minimum of four Panel Members, from the four essential disciplines are present.

- (b) All Panel Members are expected to be available to attend all scheduled monthly DRP meetings, if a member is unable to attend a particular meeting they are to advise the Town in advance of the meeting date.
- (c) A Panel Member who will be absent from more than three successive scheduled meetings is to apply in writing to the Town for leave of absence.
- (d) Proponents will be invited to attend the relevant part of the meeting to present their proposal.
- (e) DRP meetings are not open to the public nor the media as information discussed can be commercially confidential.
- (f) Persons who may later be required to consider and determine an application that is undergoing design review should not attend panel meetings.

5.3. Notice of meeting and agenda

- (a) Notice of each meeting is given to all Panel Members ten days in advance of the meeting date. All Panel Members shall review the meeting notice and advise the Town as soon as practical of:
 - Their ability to attend the meeting; and
 - Any interest, as outlined in the definitions section of this Policy, to be declared in any matter listed on the agenda, and the details of the interest to be declared.
- (b) Any interest declared by a member will be reviewed by the Town. The Town may determine that the member has a conflict of interest, and the member is not to participate in or be present during any discussion of the matter.
- (c) Primary Members that are not available to attend a DRP meeting and do not have a conflict of interest will generally be the sitting members at a DRP meeting. Should a Primary Member not be able to attend a DRP meeting, a suitable Deputy Member shall be selected by the Town to be a sitting member for that DRP meeting.
- (d) If the quorum cannot be achieved due to too many of the members having conflicts of interest the Town may contact suitable Members of the State Design Review Panel, or refer the proposal to the State Design Review Panel.
- (e) If a quorum cannot be achieved, the meeting cannot proceed and shall be re-scheduled.
- (f) Agendas shall be distributed by the Town to all sitting Panel Members five working days in advance of the meeting date. The meeting agenda shall not exceed three hours.
- (g) The agenda shall contain a brief overview of proposals and where necessary the site, and relevant requirements under the Scheme, Deemed Provisions, Activity Centre Plan, Local Development Plan, Local Planning Policies or any other special provisions. The level of detail of the overview will vary, depending on the nature, and stage of the proposal.

- (h) Should a Panel Member consider additional information in relation to a proposal is required, prior to the meeting, a request should be submitted to the Town, detailing the necessary information. The Town may clarify the information, and/or seek further information or clarification from the proponent, and provide this to the DRP prior to the matter being considered.

5.4. Proceedings at meetings

- (a) The Chair will be the Town's Director of Planning and Development, or a Delegated Officer.
- (b) The Chair will be responsible for:
- Convening a DRP meeting, and selecting appropriate Panel Members to attend the DRP meeting;
 - Conducting DRP meetings, ensuring that the meeting agenda is followed and that allocated timeframes are adhered to;
 - Ensure that discussions remain focused on the application being considered and that advice relates to the design principles outlined in clause 3; and
 - Ensuring the advice and recommendations developed for each application is confirmed in the meeting for the purposes of minuting to reduce reporting timeframes.
- (c) All formal communication with the Panel will be facilitated by the Chair.
- (d) For proposals it is recommended that discussion proceed in the following format:
- Briefing and pre-review panel discussion;
 - Proponent enters, welcome by the Chair;
 - Proponent presentation;
 - Questions and clarification;
 - Panel comments, discussion and summary;
 - Proponent departs;
 - Post-review panel discussion.
- (e) Having reviewed the proposal, the DRP is to provide comments and advice on key issues of the proposal listed in the agenda. The DRP should provide recommendations of support, pending further action or not supported, for each design principle listed in clause 3, and comments explaining the reasoning for the recommendation. The DRP may also offer comments on any other aspect of the proposal, they consider necessary.

5.5. Recording of proceeding at DRP meetings

- (a) At every meeting of DRP, the Town is to record the sitting Panel Members' comments and advice, in a format as outlined by the Town.
- (b) Where the views expressed by the DRP at a meeting are not unanimous, the minutes are to record the minority comments and advice of a particular member, when requested by the member concerned.

- (c) Final minutes are to be referred to the Panel Members that attended the meeting, by the Town, for review and ratification. Once confirmation is received, the minutes are to be provided to the proponent. The Town will endeavour to provide the minutes to the proponent within 10 working days.

6. Proponent proposals

6.1. Number of reviews

- (a) The number of reviews needed will vary depending on the complexity of the proposal.
- (b) It is recommended that design review should occur before a development application is submitted. For complex applications, it is strongly recommended that the first design review takes place during the preliminary design stage at a time where the design is flexible enough to accommodate change to ensure that proponents can take advantage of the advice offered. A subsequent review should typically occur at a stage when the design has been further progressed, prior to the proposal being submitted for development approval. The final design proposal should typically occur during the development application stage. Proponents are encouraged to contact the Town to discuss the complexity of their proposal.
- (c) Notwithstanding this, if a proposal is amended, the Town may consider it appropriate for the proposal to be reconsidered by the DRP.

6.2. Information required

- (a) Proponents proposing a matter for consideration at the DRP are to submit their proposal to the Town in an electronic format 15 working days prior to the scheduled meeting date. The level of detail required for consideration by the DRP will vary depending on the stage of the proposal, and its complexity. As a minimum a site context analysis, site plan, elevation/massing plans, and street elevations shall be provided, as well as any other any other information considered necessary by the Town. Proponents are encouraged to contact the Town about the requisite information, prior to the submission of a proposal for review.
- (b) Proponent presentations are to be submitted to the Town, 3 working days prior to the scheduled meeting date.

6.3. Fees and charges

The Town will fund the first three DRP meetings for a proposal. Following the initial Town funded DRP meetings, the proponent shall reimburse the Town for the sitting fees of DRP members for all subsequent DRP meetings.

Adopted: 28 June 2016

Amended: 26 March 2019 (DV19.29)

Amended: 24 September 2019 (DV19.124)