



26 November 2024

Submission on the Draft Local Government Design Review Panel Manual

The Property Council WA welcomes the opportunity to provide a submission on the draft Local Government Design Review Panel Manual (the Manual). Our intent is that this feedback will improve the effectiveness of the Manual for both state and local government in Western Australia.

The Property Council of Australia

The Property Council of Australia is the peak industry body representing the whole of the property industry. In Australia, the Property industry employs more than 1.4 million Australians and shapes the future of our communities and cities. As industry leaders we support smarter planning, better infrastructure, sustainability, and globally competitive investment and tax settings which underpin the contribution our members make to the economic prosperity and social well-being of Australians.

The Property Council WA membership consists of more than 300 member companies. They are architects, urban designers, town planners, builders, investors and developers. Our members conceive of, invest in, design, build and manage the places that matter most – our homes, retirement living communities, shopping centres, office buildings, education, research and health precincts, tourism and hospitality venues. This submission is informed by Property Council’s membership and expert committee members.

Overall feedback

The Property Council reaffirms its support for high quality development throughout WA and continues to advocate for greater consistency and standardisation in WA’s planning system. Our feedback is intended to support Design Review Panels (DRPs) to achieve their intended function: that is, to enhance the design of developments in line with the State Planning Policy 7.0 (SPP7.0), without unduly adding to already protracted approvals timeframes. As building and construction costs continue to rise, major development projects – both residential and industrial – are becoming more difficult to finance. Reducing costs associated with unnecessary DRP processes is crucial to ensuring that projects remain viable.

While the Manual as drafted – and the existing Guide – aims to provide a consistent approach across local governments, the non-binding nature of the document continues to be a key concern to the Property Council. It does not hold DRPs and decision makers – in particular, local government and Development Assessment Panels – accountable for any deviations from the Manual, which significantly limits the likelihood that it will achieve the government’s aims. Feedback from our members indicates that local governments already deviate from the

current guidelines, resulting in a prolonged and compromised design review process, adding delays and financial costs to project delivery. The delayed process negatively affects overall feasibility and affordability to developers, which indirectly affects prospective purchasers on completion. While the draft Manual includes improvements on the current Guide, its lack of enforceability means it will likely be ineffective in driving real change in local government practices.

We recommend strengthening the DRP process, ensuring consistency through binding regulatory measures within SPP 7.0 or regulatory amendments. Regulations should prescribe when and how DRPs are to evaluate proposals based on the conduct described in the draft Manual – subject to our suggested amendments. This would provide a solid foundation for DRPs and decision makers to engage with the design review process and is the most efficient and effective way to reduce the inconsistency in the application of the design principles to development outcomes and the existing uncertainty faced by proponents in WA.

We note a pervasive assumption throughout the draft Manual that all developments would benefit from the design review process. While peer review can be a useful tool, we feel this prejudices developments, and undermines the expertise and efforts of proponents and their design teams to deliver design excellence and meet the requirements of SPP 7.0 independently. Our members consider the draft Manual should contain guidance on circumstances where the requirement for design review can be waived. For example, where design review is progressed between the developer and the relevant local government pre-lodgement. Questions also remain about the necessity of DRPs for smaller projects that already comply with new design codes. Allowing such projects to bypass DRPs could reduce duplication and streamline processes. Documents like Volume 2 of the R-Codes and the Medium Density Codes already have established clear standards for design quality and impacts.

Finally, it is unclear who the primary audience of the draft Manual is. We feel attempting to include information for local government staff, panel members, proponents and elected members/decision makers overcomplicates an already lengthy document. We recommend tailoring the Manual into separate documents targeted to specific audiences—local government staff, panel members, proponents, and decision-makers. This would clarify responsibilities, separate mandatory elements from guidance, and make the document more user-friendly.

Further feedback related to specific sections of the draft Manual are provided below.

Specific feedback

Section	Comments
Design and the Planning System	<ul style="list-style-type: none"> The Property Council supports good design as described in SPP7.0. The effectiveness of a Local Government DRP, however, is determined by how efficiently and competently it is implemented. To facilitate faster development processes, especially for medium and high-density housing, it is imperative that DRPs operate within their remit and in line with SPP7.0. The Property Council reiterates its strong recommendation that the DAP Regulations be amended to include a regulation prescribing when and how a DRP must assess a proposal, by reference to the conduct provided in the draft Manual (subject to our suggested amendments). Alternatively, SPP 7.0 could be amended to incorporate relevant content from the draft Manual (subject to our suggested amendments) as an annexure or separate 'part'. This approach will ensure that matters of design remain a key part of the development regime and require DRPs to adhere to the best-practice model set out within the draft Manual. Like all matters to be given 'due regard' in the context of development assessment, DRPs should be able to depart from the elements set out within the draft Manual – subject to amendments – forming part of SPP 7.0 where they can demonstrate cogent reasons.
What is Design Review	<ul style="list-style-type: none"> We support the definition of "design review", alongside the clear description of "design advice". We strongly support the protocols for design review – previously referred to as principles. However, feedback from members indicates that the two areas that have received less focus are "proportionate" and "advisory" with smaller projects often scrutinised inappropriately, and DRPs exceeding their advisory role. We suggest reforms where smaller, compliant projects could bypass DRPs, reducing duplication and unnecessary procedural burdens.
Role of a Local Government Design Review Panel	<ul style="list-style-type: none"> Property Council members continue to provide feedback about DRPs operating inconsistently and outside their remit by providing prescriptive design advice, subjective commentary, or providing advice based on their interpretation of the relevant planning framework. This is inappropriate and leads to unnecessary and costly delays which significantly impact the feasibility of projects and overall appetite

	<p>of proponents to subsequently propose development and investment within particular local government areas.</p> <ul style="list-style-type: none"> • While we agree with the statements, "DRPs are advisory only and do not have a decision-making function" and "Panel advice does not represent a planning assessment nor provide a technical or compliance assessment against the Australian Standards or national Construction Codes," advice from members indicates that local government decision makers are increasingly using design review advice as the rationale for refusing or delaying approval of projects. • For example, there have been cases where the panel often recommended upgrades beyond what was required, such as enhanced landscaping or sustainable materials, even though the project met all approval criteria. These suggestions resulted in "orange light" evaluations, creating confusion about whether changes were necessary for approval. We are concerned about the growing 'mission creep' of panels. • While the current guidance is broadly acceptable, greater adherence is needed. We recommend introducing a new discretionary clause that allows Directors of Planning or delegates to waive design review for projects demonstrating high compliance or evident design excellence.
Terms of Reference	<ul style="list-style-type: none"> • We strongly recommend a model terms of reference for DRPs, however further recommend that consistent thresholds for projects to require design review should be included in the draft Manual to reflect the importance of local governments adopting these thresholds. • The inconsistency in which decision makers engage with DRPs in the development assessment process is of significant concern to the Property Council. As alluded to above, the draft Manual currently does not contain any guidance on the criteria informing thresholds which trigger a Design Review. <ul style="list-style-type: none"> ○ For example, Stirling's threshold is 20 dwellings and in Nedlands it is 4 dwellings and there is inconsistency between local governments for other building types like childcare centres and petrol stations. Consistent terms of reference for all projects, regardless of scale, are needed. • On the other hand, Property Council members have provided examples where requests for design review have been refused, and where decision makers are giving little weight to positive DRP comments. This begs the question about the utility of design review to achieve the government's policy intent.

Design Review Process Summary	<ul style="list-style-type: none"> • We agree that – as a bare minimum – design reviews should be "consistent and efficient". • A key positive feature is its emphasis on proportionate approaches as well as its allowance for early-stage reviews without exhaustive details. • Our view is that making design review procedures publicly available should be mandatory.
How to get the most from Design Review	<ul style="list-style-type: none"> • Our members consider the requirement for three pre-lodgement design review sessions to be excessive. We believe two sessions should be sufficient, and this should be described as 'average' or 'typical' rather than recommended. • This is one section of the document where the lack of a clear audience/trying to cater to multiple audiences reduces its usefulness. This section also jumps quickly from a high-level description of process, to detailed instruction to participants to 'be punctual' and 'follow the agenda'. • Feedback from members indicates that DRP meetings are often too formal and lack the interactive discussion and collaborative idea generation that is encouraged by the draft Manual.
Design Review over the life of a project	<ul style="list-style-type: none"> • While not referred to explicitly here, we recommend that panel members should remain consistent throughout the entire design review process, unless a project is seriously delayed, or a panel member steps down. A fair design review requires consistency. Member feedback included instances of new DRP members challenging recommendations made by previous members, undermining the intent of early-stage reviews.
Design Review Structure	<ul style="list-style-type: none"> • We encourage DRPs to be a forum for collaborative and constructive dialogue, as suggested throughout the draft Manual. However, the caucus stage described here and later in the draft Manual undermines the transparency, fairness and trust of the design review process by encouraging private discussions between DRP members, which the proponent and their project teams are not privy to. • In some instances, assessing officers have not adequately briefed the panel on the planning framework as it relates to the project.
Confidentiality and reports	<ul style="list-style-type: none"> • Member feedback indicates that final reports produced by DRPs are inconsistent between local governments in the sense that they are not thorough and occasionally provide an inaccurate account of the matters discussed in a DRP meeting.

	<ul style="list-style-type: none"> • While the current guidance is broadly acceptable, it lacks accountability, leaving it open to DRPs and decision makers to deviate from the guidance without recourse. • In many DRPs, other types of projects are stopped, such as residential multiple dwellings and commercial buildings that typically do not require approval. We recommend introducing a new discretionary clause that allows Directors of Planning or delegates to waive design review for projects demonstrating high compliance or evident design excellence. • While the four C's of report writing reflect good practice, they are operational in nature, and largely useful only to the person writing the report.
Conflicts of Interest	<ul style="list-style-type: none"> • We agree that people "living in or owning property near the project" should not be on Local Government DRPs. The exclusion of individuals with local financial or property interests (and personal interests) ensures impartiality. We recommend this be made a mandatory requirement for panel members to avoid problems caused by conflicts of interest.
Establishing an LGDRP: Funding	<ul style="list-style-type: none"> • Adequate funding is required to run Local Government DRPs, and to ensure the volume of reviews required can be delivered in a timely fashion. • Whether due to funding or scheduling, feedback from members indicates that reviews often get delayed due to full agendas, and the limited availability of panel members adds significant delays to approval processes. • Related to funding are the fees charged to proponents by various local governments which significantly vary. We encourage consistency and standardisation of fees across local governments. • One option to improve timeliness, may be for proponents to pay higher fees to extend agendas or schedule additional meetings.
Appointing an LGDRP	<ul style="list-style-type: none"> • We strongly support the statement that local governments should not appoint decision makers, elected members, members of the public and/or those without relevant qualifications to DRPs and recommend this is made a mandatory requirement. • The inclusion of planners, transport planners, and engineers may not be necessary since their input may already be enabled through the Development Approval. • While local knowledge is important for the DRP, it is not necessary since input from appropriately qualified consultants at both a local and State level – including referral agencies – is already enabled through the development assessment process.

	<ul style="list-style-type: none"> To maximise relevance and utility of advice, panellists outside the local area should also be consulted. The inclusion of information on how to run an Expression of Interest process, including potential selection criteria, assessment and member induction is very operational and aimed at a small audience in the administration of a local government.
Reliance on Medium Density Codes	<ul style="list-style-type: none"> Most design reviews of small mixed-use developments and childcare facilities make sense from many design perspectives. However, not every project should be subject to a DRP but should consider alternative pathways to allow greater infill and residential development. Currently, any building with ten or more grouped or multi-dwellings is covered by the modified Medium Density codes, which incorporate more design nuance and sophistication, have set clearer design standards for internal amenity, quality, and impacts, and allow for far greater internal amenities.

Concluding Remarks

Property Council of Australia believes that while the draft Manual is a step forward, it requires stronger enforceability, consistency, and streamlined processes to achieve its intended objectives. By standardising thresholds, fees, and terms of reference, and reinforcing the advisory role of DRPs, it can foster a more efficient and transparent design review process. These changes are critical to facilitating the delivery of high-quality, affordable developments across WA – required to tackle the housing crisis and achieve the WA state government’s target of 26,000 new dwellings per year.

We support good design in accordance with the SPP7.0 Design Principles, which emphasise performance-based evaluation and objective advice for proponents. We urge DPLH to address the lack of enforceability by introducing binding mechanisms to ensure consistency in DRP application. Without such measures, the Manual risks being a well-intentioned guide that fails to achieve meaningful outcomes.

Next Steps

It is expected that the consultation process will meaningfully shape the final version of the Manual. We trust that ongoing consultation will be conducted during the final drafting phase to prevent unintended consequences during implementation.



If you require further information or clarification on this submission, please contact Leonard Hong, WA Policy Advisor, on 0452 040 733 or lhong@propertycouncil.com.au or Andrew Thomson, WA Policy and Research Advisor, on 0409 470 336 or athomson@propertycouncil.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "N Brischetto". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Nicola Brischetto

WA Executive Director

Property Council of Australia