

CITY DEVELOPMENT COMMITTEE**5 DECEMBER 2013****2 AMENDMENT TO CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN 2013**

FILE NO: S-149-3 PT6

Min. No. 451 RESOLVED (Councillors Hawatt/Saleh)

THAT

1. The amendments to Canterbury Development Contributions Plan 2013 to increase the area defined as minor alterations and additions in clause 2.11.1(i) to 25m² Gross Floor Area; to amend clause 2.14.1 to be consistent with clause 2.17; and to specify that the interest rate for deferred contributions in clause 2.18 is the Commonwealth Bank's Corporate Overdraft Reference Rate, be approved.
2. Notification of amendments be in accordance with the Environmental Planning and Assessment Regulation 2000.

FOR	AGAINST
The Mayor, Councillor Robson	
Deputy Mayor, Councillor Azzi	
Councillor Adler	
Councillor Eisler	
Councillor Hawatt	
Councillor Kebbe	
Councillor Nam	
Councillor Paschalidis-Chilas	
Councillor Saleh	
Councillor Vasiliades	

3 DESIGN REVIEW PANEL

FILE NO: D-6-7 PT2

Min. No. 452 RESOLVED (Councillors Robson/Saleh)

THAT subject to a future detailed report regarding terms of reference, costs, administrative procedures, relationship to IHAP and other relevant matters, Council support the principle of the introduction of a Design Review Panel to provide advice early in the development assessment process on significant development proposals, including but not limited to the visual and physical impact of the proposal on the surrounding environment in reports to the relevant assessing and determining body, including the Joint Regional Planning Panel, the Independent Hearing and Assessment Panel, the City Development Committee or Council.

CITY DEVELOPMENT COMMITTEE - ITEM 3

5 DECEMBER 2013

3 DESIGN REVIEW PANEL

FILE NO: D-6-7 PT2

Attachments: Sample Terms of Reference - St George Councils
Design Review Panel

REPORT BY: DIRECTOR CITY PLANNING

Summary:

- This report introduces the concept of a design review panel to provide design expertise into the development assessment process for certain types of significant development applications.
- Design review panels are used extensively by Councils throughout Sydney as a means of achieving higher standards of design arising from significant development proposals.
- The report seeks in-principle support for the idea of a design review panel for the City of Canterbury in order to pursue further investigations and prepare a detailed report to Council with a firm proposal.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Balanced Development.

Report:

With the introduction of the new Canterbury Local Environmental Plan 2012 and the positive economic outlook in the development industry, we have seen a significant increase in the level of interest in developing land in the City of Canterbury.

What is noticeable, is the number of large applications that have been lodged over the last six to twelve months. For example, over the last twelve months, there have been some 24 applications either lodged or approved for development, that contain 25 units or more. Eight of these contain more than 115 units. These tend to occur in our town centres as well as along the Canterbury Road corridor. This level of development, if sustained over several years, will have a fundamental impact on the look and feel of the City. Whilst this level of interest is to be encouraged, the design quality of such development is equally important. To this end, many Councils that experience significant levels of large scale development, have engaged the assistance of design review panels to provide independent input into design issues relating to development applications.

Design review panels provide independent and expert advice and assist Councils to achieve high quality design outcomes that can potentially add value and benefit to the applicant as well as to local neighbourhoods and precincts.

CITY DEVELOPMENT COMMITTEE**5 DECEMBER 2013****DESIGN REVIEW PANEL (CONT.)****How Does a Design Review Panel Work?**

A design review panel (DRP) is intended to provide design input as early as possible in the process of assessment of new development applications (DAs). Early expert design input can streamline the assessment process and lead to not only better outcomes on the ground, but also faster determination times. A DRP typically comprises three design professionals to provide input into the design process of a DA. A short report is prepared which provides guidance to applicants and Council staff in assessing the application. A DRP does not have determination powers, it is simply an advisory body that assists in the assessment of applications. The normal assessment and determination paths would be unaffected.

The applicant normally presents the application to the panel and an interview style meeting occurs, where advice and input is provided and recorded to assist our assessment process.

Typically, the DRP considers applications for residential and commercial development that is three storeys and above. DRPs normally consider not only the planning instrument and policies of Council, but also the 10 Design Quality Principles contained in State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings.

DRPs throughout Sydney are financially sustained through the levying of additional fees to applicants. This has become an industry expectation in Sydney where such Panels operate.

The attachment provides an indication of the workings of an actual DRP. The terms of reference attached are those of the St. George Councils (Hurstville, Kogarah and Rockdale). This DRP has been in operation for some years and has been successful in improving design outcomes in those Councils. This attachment is simply provided as a sample of how a DRP may operate.

What would the Relationship to the IHAP be?

If a DRP was introduced in Canterbury, the Independent Hearing and Assessment Panel (IHAP) would continue to operate as it currently does. Some applications would be reviewed by both entities, but their consideration is of a different nature. The DRP would simply provide early design input to assist the overall architectural and urban design outcomes of the particular project. The IHAP, on the other hand, provides a final assessment and recommendation to Council and its consideration is much broader. Whilst the IHAP provides design input from time to time, this consideration would be assisted by a report from the DRP that has already had regard to these aspects of the proposal.

Conclusion

The purpose of this report is to provide Council with some background to the investigations currently being undertaken by Council Officers to potentially introduce a DRP to the City of Canterbury in order to raise design standards throughout the City.

A further report will be provided with more details on the terms of reference of any future DRP, the relationship to the IHAP, costs, administrative procedures and the process to appoint experts to serve on such a Panel.

The support in principle of the introduction of a design review panel, will assist staff in pursuing the initiative with a greater level of confidence.

CITY DEVELOPMENT COMMITTEE

5 DECEMBER 2013

DESIGN REVIEW PANEL (CONT.)

RECOMMENDATION:

THAT subject to a future detailed report regarding terms of reference, costs, administrative procedures, relationship to IHAP and other relevant matters, Council support the principle of the introduction of a Design Review Panel to provide early design input into significant development proposals in Canterbury.



New South Wales

State Environmental Planning Policy No 65— Design Quality of Residential Flat Development

under the

Environmental Planning and Assessment Act 1979

Status information

Currency of version

Historical version for 1 October 2011 to 16 July 2015 (generated 22 July 2015 at 11:34).
Legislation on the NSW legislation website is usually updated within 3 working days.

Provisions in force

All the provisions displayed in this version of the legislation have commenced. For commencement and other details see the Historical notes.

Does not include amendments by:

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
(Amendment No 3) (2015-316) (LW 19.6.2015) (not commenced — to commence on 17.7.2015)



New South Wales

State Environmental Planning Policy No 65— Design Quality of Residential Flat Development

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State Environmental Planning Policy No 65—Design Quality of Residential Flat Development [NSW]
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State Environmental Planning Policy No 65—Design Quality of Residential Flat Development [NSW]

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Policy

This Policy is *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*.

2 Aims, objectives etc

- (1) This Policy aims to improve the design quality of residential flat development in New South Wales.
- (2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.
- (3) Improving the design quality of residential flat development aims:
 - (a) to ensure that it contributes to the sustainable development of New South Wales:
 - (i) by providing sustainable housing in social and environmental terms, and
 - (ii) by being a long-term asset to its neighbourhood, and
 - (iii) by achieving the urban planning policies for its regional and local contexts, and
 - (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
 - (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
 - (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
 - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.
- (4) This Policy aims to provide:
 - (a) consistency of policy and mechanisms across the State, and
 - (b) a framework for local and regional planning to achieve identified outcomes for specific places.

3 Definitions

- (1) In this Policy:
design quality principles means the design quality principles set out in Part 2.

design review panel means a panel constituted under Part 3.

master plan has the same meaning as in clause 92A of the *Environmental Planning and Assessment Regulation 2000*.

residential flat building means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

but does not include a Class 1a building or a Class 1b building under the *Building Code of Australia*.

Note. Class 1a and Class 1b buildings are commonly referred to as **town houses** or **villas** where the dwelling units are side by side, rather than on top of each other.

Residential Flat Design Code means the document titled “*Residential Flat Design Code*”, (a publication of the Department of Planning, September 2002), held in the head office of the Department.

residential flat development means development to which this Policy applies because of clause 4.

the Act means the *Environmental Planning and Assessment Act 1979*.

- (2) Notes in this Policy do not form part of it.

4 Application of Policy

- (1) This Policy applies to development being:
 - (a) the erection of a new residential flat building, and
 - (b) the substantial redevelopment or the substantial refurbishment of an existing residential flat building, and
 - (c) the conversion of an existing building to a residential flat building.
- (2) If particular development comprises development to which subclause (1) applies and other development, this Policy applies to the part of the development that is development to which subclause (1) applies and does not apply to the other part.

5 Land to which this Policy applies

- (1) This Policy applies to the whole of the State.
- (2) Despite subclause (1), this Policy does not apply to land to which *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007* applies.

6 Relationship with other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.

Part 2 Design quality principles

7 Design quality principles

The design quality principles for residential flat development are the principles set out in this Part.

8 Introduction to the principles

Good design is a creative process which, when applied to towns and cities, results in the development of great urban places: buildings, streets, squares and parks.

Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges.

The design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

9 Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

10 Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

11 Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

12 Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

13 Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

14 Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

15 Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

16 Principle 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

17 Principle 9: Social dimensions and housing affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

18 Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Part 3 Design review panels

Division 1 Appointment

19 Constitution of panels

- (1) The Minister may constitute one or more design review panels.
- (2) An existing body established for the purpose of advising on design may be constituted as a design review panel even though its membership may not satisfy the requirements of clause 21 (subclause (5) excepted).
- (3) A design review panel may be constituted for a region or for one or more local government areas.
- (4) More than one design review panel may be constituted in relation to the same region or the same local government area.

20 Requirement for consultation

- (1) The Minister, before constituting a design review panel for a region or for one or more local government areas (including by the constitution of an existing body), must consult with the relevant councils or council to ascertain whether they wish, or it wishes, a design review panel to be constituted.
- (2) The Minister must also consult with the relevant council or councils on the proposed membership (including an alternate member) of a design review panel.

21 Members of panels

- (1) A design review panel is to consist of not more than 5 persons appointed by the Minister.
- (2) A person is qualified for appointment as a member of a design review panel if the person has expertise in any one or more of the following disciplines, namely, architecture, urban design, environmental planning or landscape architecture.
- (3) At least one member of each design review panel must have an appreciation of the design issues of the region or area for which the panel is constituted.
- (4) In appointing the members of a design review panel, the Minister is to ensure, as far as practicable, that the members have expertise in a mix of the disciplines referred to in subclause (2).
- (5) A person is not qualified for appointment as a member of a design review panel if the person is an officer or employee of a consent authority that is advised by the panel.
Note. An officer of a consent authority includes a councillor of a council.

22 Alternate member

- (1) The Minister may appoint one or more alternate members for a design review panel.
- (2) An alternate member may act in the place of any member of the design review panel who for any reason is unable to act as a member.
- (3) An alternate member must have one of the qualifications referred to in clause 21 (2) and is not required to have the same qualification as the member in whose place the alternate member acts.
- (4) The provisions of clauses 21 (5), 23 and 24 apply to an alternate member in the same way as those provisions apply to a member.

23 Term and other conditions of office

A member of a design review panel:

- (a) holds office for such term as is determined by the Minister, and
- (b) ceases to hold office in such circumstances as are determined by the Minister, and
- (c) is entitled to such remuneration, if any, and to the payment of such expenses, if any, as are determined by the Minister, and
- (d) holds office subject to such conditions as are determined by the Minister.

24 Pecuniary interests

A member of a design review panel who has a pecuniary interest (within the meaning of sections 442 and 443 of the *Local Government Act 1993*) in any matter that is the subject of advice by the panel and who is present at a meeting of the panel at which the matter is being considered:

- (a) must disclose the interest to the meeting as soon as practicable, and
- (b) must not take part in the consideration or discussion of the matter, and
- (c) must not vote on any question relating to the matter.

25 Procedure at meetings

Subject to clause 26, the procedure at meetings of a design review panel is to be determined by the Minister or, in the absence of any such determination, by the panel.

26 Quorum

The quorum at a meeting of a design review panel is a majority of the members for the time being of the panel.

Division 2 Functions

27 Functions of panels

- (1) The functions of a design review panel are as follows:
 - (a) to give specific independent design advice to the consent authority on a development application for residential flat development and, in particular, to give such advice on the design quality of the residential flat development when evaluated in accordance with the design quality principles,
 - (b) to provide independent advice to consent authorities and applicants, and their consultants and advisers, before the lodging of relevant development applications as well as afterwards, on the design quality of residential flat development proposals having regard to the design quality principles,
 - (c) to give independent advice to councils on the design content of draft local environmental plans, development control plans, master plans, similar plans and draft planning policy documents having regard to the design quality principles,
 - (d) to give independent advice to councils on other mechanisms and initiatives to improve achievement of the design quality principles,
 - (e) to contribute to the understanding of design quality, and to improve the achievement of the design quality principles, by making public its advice under paragraphs (a) and (c),
 - (f) to contribute to the co-ordination of design quality across boundaries of local government areas.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development [NSW]
Part 3 Design review panels

- (2) A design review panel may:
 - (a) carry out a review of provisions relating to the design quality of residential flat development in any local environmental plans and development control plans in the area or region for which it is constituted, and
 - (b) advise the relevant council or councils whether or not it endorses those provisions.

Part 4 Application of design quality principles

28 Preparation of instruments

A person who prepares:

- (a) an environmental planning instrument, or
- (b) a development control plan, or
- (c) a master plan or similar plan,

that makes provision with respect to residential flat development should include provisions in the instrument or plan to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002).

Approval of development control plans

Note. The *Environmental Planning and Assessment Regulation 2000* contains the following provision:

21A Approval of development control plans relating to residential flat development

- (1) The council must not approve a draft development control plan (including an amending plan) containing provisions that apply to residential flat development unless the council:
 - (a) has referred the provisions of the draft development control plan that relate to design quality to the design review panel (if any) constituted for the council's area (or a region that includes the council's area) under *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*, and
 - (b) has taken into consideration any comments made by the design review panel concerning those provisions.
- (2) This clause extends to a plan the preparation of which commenced before the constitution of the relevant design review panel.

29 Making or adoption of master plans

A person who, under the provisions of any other environmental planning instrument, is authorised to make or adopt a master plan, being a master plan that contains provisions that relate to the design quality of residential flat development, must not make or adopt the master plan unless the person:

- (a) has referred the draft master plan to the design review panel (if any) constituted for the relevant area or region, and
- (b) has taken into consideration any comments made by the design review panel.

Development applications

Note. The *Environmental Planning and Assessment Regulation 2000* contains the following provision in clause 50 (How must a development application be made?):

- (1A) A development application that relates to residential flat development, and that is made on or after 1 December 2003, must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:
 - (a) that he or she designed, or directed the design, of the residential flat development, and
 - (b) that the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* are achieved for the residential flat development.

Clause 3 of the *Environmental Planning and Assessment Regulation 2000* contains the following definition:

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Part 4 Application of design quality principles

qualified designer means a person registered as an architect in accordance with the *Architects Act 2003*.

Also, the form for making a development application as referred to in Schedule 1 to the *Environmental Planning and Assessment Regulation 2000* provides:

- (5) In addition, a statement of environmental effects referred to in subclause (1) (c) must include the following, if the development application relates to residential flat development to which *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* applies:
- (a) an explanation of the design in terms of the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*,
 - (b) drawings of the proposed development in the context of surrounding development, including the streetscape,
 - (c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations,
 - (d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context,
 - (e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts,
 - (f) photomontages of the proposed development in the context of surrounding development,
 - (g) a sample board of the proposed materials and colours of the facade,
 - (h) detailed sections of proposed facades,
 - (i) if appropriate, a model that includes the context.

30 Determination of development applications

- (1) After receipt of a development application for consent to carry out residential flat development (other than State significant development) and before it determines the application, the consent authority is to obtain the advice of the relevant design review panel (if any) concerning the design quality of the residential flat development.
- (2) In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):
 - (a) the advice (if any) obtained in accordance with subclause (1), and
 - (b) the design quality of the residential flat development when evaluated in accordance with the design quality principles, and
 - (c) the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002).
- (3) However, if the relevant design review panel fails to inform the consent authority of its advice concerning the design quality of the residential flat development within 31 days after the request for its advice is made by the consent authority, the consent authority may determine the development application without considering any such advice and a development consent so granted is not voidable on that ground.
- (4) The 31-day period referred to in subclause (3) does not increase or otherwise affect the period within which a development application is required to be determined by a consent authority.

Modification of consents

Note. The *Environmental Planning and Assessment Regulation 2000* contains the following provision in clause 115 (What are the requirements for an application for modification of a development consent?):

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Part 4 Application of design quality principles

- (1A) In addition, an application for the modification of a development consent under section 96 (2) of the Act, if it relates to residential flat development for which the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies that:
- (a) he or she designed, or directed the design, of the modification of the residential flat development, and
 - (b) the residential flat development, as modified, achieves the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*, and
 - (c) the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.
- (1B) The consent authority may refer the proposed modification to the relevant design review panel.

Issue of construction certificates

Note. The *Environmental Planning and Assessment Regulation 2000* contains the following provisions:

- 143A **Special requirements for construction certificates for residential flat development**
- (1) This clause applies to residential flat development for which the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A).
 - (2) A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*.

Issue of occupation certificates

Note. The *Environmental Planning and Assessment Regulation 2000* contains the following provision:

- 154A **Special requirements for occupation certificates for residential flat development**
- (1) This clause applies to residential flat development for which the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A).
 - (2) A certifying authority must not issue an occupation certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*.

30A Standards that cannot be used as grounds to refuse development consent for residential flat buildings

- (1) A consent authority must not refuse consent to a development application for the carrying out of residential flat development on any of the following grounds:
 - (a) **ceiling height:** if the proposed ceiling heights for the building are equal to, or greater than, the minimum recommended ceiling heights set out in Part 3 of the *Residential Flat Design Code*,

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Part 4 Application of design quality principles

- (b) **apartment area:** if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the *Residential Flat Design Code*.

Note. The *Building Code of Australia* regulates the minimum ceiling heights for residential flat buildings.

- (2) Nothing in this clause permits the granting of consent to a development application if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the design quality principles in Part 2 of this Policy.

Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

Part 5 Miscellaneous

31 Transitional provisions

- (1) The provisions of clause 28 extend to an environmental planning instrument, development control plan or master plan the preparation of which commenced before the commencement of this Policy.
- (2) The provisions of clause 29 extend to an environmental planning instrument, development control plan or master plan the preparation of which commenced before the constitution of a design review panel for the relevant area or region.
- (3) The provisions of clause 30 (2) extend (but the provisions of clause 30 (1) do not extend) to the determination of a development application for consent to carry out residential flat development that has been made, but not finally determined, before the date of commencement of this Policy.
- (4) Nothing in subclause (3) prevents a consent authority from obtaining the advice of the relevant design review panel (if any) concerning the design quality of residential flat development after receipt of a development application for consent to carry out the development and before it determines the application.
- (5) The provisions of clause 30A do not extend to the determination of a development application for consent to carry out development to which this Policy applies that has been made, but not finally determined, before the date of commencement of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 2)*.

32 Effect of Amendment No 1

The amendments made to this Policy by *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 1)* do not apply to a development application made but not finally determined before the commencement of those amendments.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development [NSW]
Historical notes

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development published in Gazette No 122 of 26.7.2002, p 5598 and amended as follows:

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 1) (GG No 263 of 20.12.2002, p 10930)

Statute Law (Miscellaneous Provisions) Act (No 2) 2004 No 91. Assented to 10.12.2004. Date of commencement of Sch 2.75, assent, sec 2 (2).

- 2005** No 98 Statute Law (Miscellaneous Provisions) Act (No 2) 2005. Assented to 24.11.2005.
Date of commencement of Sch 2.56, assent, sec 2 (2).
- 2007** (643) State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007. GG No 185 of 21.12.2007, p 10216.
Date of commencement, on gazettal.
- 2008** (282) State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 2). GG No 82 of 4.7.2008, p 6606.
Date of commencement, on gazettal.
- 2011** (511) State Environmental Planning Policy (State and Regional Development) 2011. LW 28.9.2011.
Date of commencement, 1.10.2011, cl 2 and 2011 (509) LW 28.9.2011.

Table of amendments

Cl 3	Am 2008 (282), Sch 1 [1].
Cl 5	Am 2007 (643), Sch 1.4.
Cl 17	Am 2008 (282), Sch 1 [2].
Cl 28	Am 20.12.2002.
Cl 30	Am 20.12.2002; 2011 (511), Sch 6.9.
Part 4, note	Am 2004 No 91, Sch 2.75; 2005 No 98, Sch 2.56 [1] [2].
Cl 30A	Ins 2008 (282), Sch 1 [3].
Cl 31	Am 2008 (282), Sch 1 [4].
Cl 32	Ins 20.12.2002.

COUNCIL MEETING**24 SEPTEMBER 2015****10 NOMINATION FOR MEMBERS TO THE JOINT REGIONAL PLANNING PANEL**

FILE NO: E-35-4

Min. No. 364 RESOLVED (Councillors Hawatt/Azzi)

THAT the members to represent the City of Canterbury on the Joint Regional Planning Panel for the following three years be:

- (a) Councillor Kebbe
- (b) The General Manager or a suitably qualified staff member nominated by the General Manager (currently the Manager Land Use and Environmental Planning).
- (c) As the alternative member, a suitably qualified staff member nominated by the General Manager.

A division was taken on the demand of two Councillors.

FOR	AGAINST
Deputy Mayor, Councillor Kebbe	The Mayor, Councillor Robson
Councillor Azzi	Councillor Eisler
Councillor Hawatt	Councillor Paschalidis-Chilas
Councillor Nam	
Councillor Saleh	
Councillor Vasiliades	

11 URBAN DESIGN REVIEW

FILE NO: D-6-7 PT2

Min. No. 365 RESOLVED (Councillors Hawatt/Azzi)

THAT the matter be deferred for consideration at the next Council meeting to be held on 29 October 2015, to allow Councillors to receive further information.

12 REQUEST FROM MIRATH IN MIND ORGANISATION FOR SUPPORT OF CULTURAL/ARTS PROGRAM WITHIN SCHOOLS

FILE NO: D-14-3 PT14

Min. No. 366 RESOLVED (Councillors Azzi/Kebbe)

THAT a contribution of \$3,000 be made to the Mirath in Mind organisation towards their cultural/arts program in schools throughout the City of Canterbury.

ADVISORY COMMITTEES**1 COMMUNITY SAFETY COMMITTEE**

FILE NO: C-245-2 PT22

Min. No. 367 RESOLVED (Councillors Saleh/Eisler)

THAT the minutes of the Community Safety Committee meeting held on 7 September 2015 be endorsed.

11 URBAN DESIGN REVIEW

FILE NO: D-6-7

Attachments: Urban Design Review Report documents

REPORT BY: DIRECTOR CITY PLANNING

Summary:

- On 5 December 2013, our City Development Committee provided in-principle support for the idea of a design review panel in order for Council staff to pursue further investigations and prepare a detailed report to Council with a proposal.
- As the level of interest in developing land is high, the need for expert urban design review to achieve higher quality design outcomes has never been greater in the City of Canterbury.
- Urban design review is critical to ensuring that higher quality urban design outcomes are achieved by individual significant developments, as well as between newly constructed larger scale developments and proposed significant adjoining and surrounding developments.
- An urban design review process would provide a much needed mechanism for Council to ensure that applications are assessed in relation to achieving necessary urban design outcomes. Such assessments have never been more crucial, especially as a consequence of the high proportion of variations currently being proposed by applicants.
- An urban design review process would also assist Council in achieving flexibility and consistency in the application of planning provisions and controls while providing more certainty in assessment outcomes for applicants and the community.
- Investigations have been undertaken to determine which urban design review model is best for Council. As a result of those investigations, particulars (including terms of reference, cost and process, etc.) for three options have been prepared for Council's consideration.
- Following evaluation of the options, the preferred option is an internal urban design review service involving the engagement of urban design specialists. This option (Option 1) provides the most benefit in terms of providing urban design review of more development proposals at a lower cost and has less impact on existing staff resources and processing times of development applications.
- Option 1 involves engaging urban design specialists to undertake internal urban design review both at the pre-development application stage and during the assessment of development applications. An internal urban designer would be employed to review the more minor significant development proposals and to coordinate top-tier external urban design specialists to review major significant development proposals. The external specialists would include an urban designer, architect and landscape architect.

Council Delivery Program and Budget Implications:

The preferred urban design review service option would cost approximately \$190,000 per annum which is not included in the current budget. This report supports our Community Strategic Plan long term goal of Balanced Development.

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

Report:**Background**

The City Development Committee (CDC) on 5 December 2013 considered a report on the introduction of a design review panel (DRP) for the City of Canterbury to achieve higher quality design outcomes for significant large scale development proposals. The report sought in-principle support for the idea of a DRP in order for Council staff to pursue further investigations and prepare a detailed report to Council with a proposal.

At that meeting, the CDC resolved:

THAT subject to a future detailed report regarding terms of reference, costs, administrative procedures, relationship to IHAP and other relevant matters, Council support the principle of the introduction of a Design Review Panel to provide advice early in the development assessment process on significant development proposals, including but not limited to the visual and physical impact of the proposal on the surrounding environment in reports to the relevant assessing and determining body, including the Joint Regional Planning Panel, the Independent Hearing and Assessment Panel, the City Development Committee or Council.

On 11 December 2014, Council resolved to form a working group of interested councillors to conduct a comprehensive review of the Canterbury Local Environment Plan (CLEP) and the Canterbury Development Control Plan (CDCP) with a view to addressing the following urban design issues:

- Improved provisions to govern transitional areas between high density and residential zones to protect the interests of residents with respect to privacy and overshadowing;
- Entrance/exit arrangements for new buildings are designed to maximise road safety with measures to be considered to include wide rear lanes where necessary; and
- Any other matter concerning improved design outcomes for developments in high density areas and protection of residential areas from overdevelopment.

The first CLEP/CDCP working group meeting was held on 7 July 2015. At that meeting, working group members were given the opportunity to discuss what they would like to achieve out of the review. Two key issues emerged during the discussion: flexibility in planning provisions and controls; and certainty in assessment outcomes.

The purpose of this report is to address the CDC's resolution on 5 December 2013 and the comments made at the CLEP/CDCP working group meeting on 7 July 2015. The report does this by:

- Providing details on the benefits of urban design review;
- Outlining the need for improved urban design outcomes in the City of Canterbury;
- Outlining how urban design review is a mechanism that Council can use to achieve appropriate flexibility and consistency in relation to the application of planning provisions and controls to development proposals;
- Providing detailed information (including the legislative framework) regarding the implications of introducing an urban design review process, including the options of:
 - engaging urban designers to review significant development proposals;
 - introducing a design review board; and

COUNCIL MEETING**24 SEPTEMBER 2015**

URBAN DESIGN REVIEW (CONT.)

- constituting a State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) design review panel;
- Evaluating the urban design review options, including an assessment of the pros and cons of each option, and making a recommendation to Council on the best option.

What would Urban Design Review Achieve?

Urban design is the process of designing and shaping cities, towns and villages. In contrast to architecture, that focuses on the design of individual buildings, urban design deals with the bigger picture of buildings, streets and public spaces, neighbourhoods and precincts, and entire cities, with the goal of making urban areas functional, attractive and sustainable.

An urban design review of significant development proposals in the City of Canterbury would provide Council with advice on how to achieve the following urban design outcomes:

- High quality designed buildings that respond appropriately to the character of the area, landscape setting and surrounding built form (including transitional areas between high density and existing residential zones);
- Improved liveability through enhanced internal and external apartment amenity, including better layout, apartment depth and ceiling heights, solar access, natural ventilation and visual privacy;
- Improved sustainability through greater building adaptability and robustness, improved energy efficiency and water sensitive urban design; and
- Improved relationship of developments to the public domain including streets, lanes and parks (including entrance/exit arrangements designed to maximise road safety).

Where variations to planning provisions and controls are proposed, an assessment of the above urban design issues by qualified urban design specialists would provide Council with advice on the merits of variations in terms of achieving necessary urban design outcomes. Along with the normal planning assessment criteria, such advice would be consistent as the same urban design criteria would be used in the assessment of each variation proposed. This would enable Council to make consistent decisions on proposed variations and thereby provide a mechanism for Council to achieve appropriate flexibility in relation to the application of planning provisions and controls in the City of Canterbury.

Need for Urban Design Review in the City of Canterbury

The implementation of the CLEP and the positive economic outlook in the development industry has resulted in a significant increase in the level of interest in developing land in the City of Canterbury. As a result of this interest, a large number of significant development proposals have been approved and constructed in town centres as well as along the Canterbury Road corridor. The amount and scale of this newer development, when compared with older existing development, has started to have a fundamental impact on the look and feel of the City of Canterbury.

Although some of the newer developments in the City of Canterbury are of a high quality in design, expert urban design advice in the form of a ‘peer review’ on a significant number of the newer developments during the development assessment process would have resulted in higher quality design outcomes across the City of Canterbury. Higher quality design outcomes add value and benefit to individual developments as well to local neighbourhoods and precincts.

COUNCIL MEETING**24 SEPTEMBER 2015**

URBAN DESIGN REVIEW (CONT.)

The scale of more recently constructed development in the City of Canterbury has increased the need for an urban design review of significant development proposals. Urban design review is critical to ensuring that higher quality design outcomes are achieved between newly constructed larger scale developments and proposed significant adjoining and surrounding developments. As the level of interest in developing land is also still high, it is considered that the need for expert urban design review to achieve higher quality design outcomes has never been greater in the City of Canterbury.

As discussed above, urban design review provides a mechanism for Council to ensure that proposed variations to planning provisions and controls are assessed in relation to achieving necessary urban design outcomes. A high proportion of significant development applications (DAs) currently received by Council propose variations. Urban design review is therefore a much needed tool for Council in achieving appropriate flexibility in the application of planning provisions and controls. Certainty in the assessment of variations would also be provided to applicants and the community as a consistent urban design assessment would be undertaken of all development proposals using the same urban design criteria.

Urban design review is also needed to play a constructive role in the development or review of the CLEP and the CDCP by providing assistance in establishing appropriate design related controls. Urban design reviews in the drafting of new planning provisions and controls are likely to result in the need for fewer variations. A community is therefore more confident as to what can be developed in their area.

Significant Development Proposals Requiring Review

Significant development proposals requiring urban design advice in the City of Canterbury can be divided into two, i.e. minor and major significant development proposals. The proposed criteria for minor and major significant development proposals have been based on a review by our staff of newly constructed development proposals, recent approvals and design issues raised during the assessment process. The criteria have also been based on the scale and complexity of proposals and consideration of where the most value would be gained by development proposals being reviewed by top-tier urban design specialists. It is considered that the more significant or major development proposals being proposed in the City of Canterbury warrant top-tier urban design specialist advice.

The following significant development proposals are considered to be major, requiring top-tier urban design specialist review:

- Residential Flat Buildings with more than 20 dwellings or major additions to existing Residential Flat Buildings with more than 20 dwellings;
- Multi-dwelling Housing with more than 20 dwellings;
- New buildings or major extensions in existing commercial zones (being the B1 Neighbourhood Centre, the B2 Local Centre, the B5 Business Development and the B6 Enterprise Corridor zones of the Canterbury Local Environmental Plan 2012);
- Seniors Housing with more than 20 dwellings; and
- New community and public buildings, such as educational establishments, places of public worship, hospitals and community facilities.

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

Other more minor significant development applications that would benefit from urban design review (but not necessarily requiring top-tier urban design advice) include:

- Residential Flat Buildings with less than 20 dwellings (including major additions to such buildings);
- Multi-dwelling Housing with less than 20 dwellings;
- Minor extensions in existing commercial zones (being the B1 Neighbourhood Centre, the B2 Local Centre, the B5 Business Development and the B6 Enterprise Corridor zones of the Canterbury Local Environmental Plan 2012); and
- Seniors Housing with less than 20 dwellings.

Options for Urban Design Review

An investigation into the way in which urban design review is being undertaken by other Councils in NSW has revealed that there are many and varied approaches that could be taken to achieve better urban design outcomes in the City of Canterbury (see discussion in Attachment). The three options put forward in this report include:

- Engaging urban designers to review significant DAs (**Option 1**);
- Introducing a design review board (**Option 2**); and
- Constituting a SEPP 65 design review panel (**Option 3**).

The options have been prepared based on the need to establish an efficient, simple, cost effective and timely process to receiving urban design advice while limiting the impact on existing staff resources and processing times of DAs. The options would also review planning proposals to amend the CLEP and reviews of the CDCP. The options are also based on staff investigations relating to lessons learnt by other Councils who have introduced urban design review in their Council areas. The implication of having no urban design review is also considered. A summary of each option is provided in the table below.

Summary of options

Option 1 - Internal Urban Design Review Service	Option 2 – Council Design Review Board	Option 3 – SEPP 65 Constituted Design Review Panel
<ul style="list-style-type: none"> • Internal referral similar to other assessment issues (e.g. engineering, building, etc.). • Leading external urban design specialists engaged to review major significant development proposals. • Almost twice as many proposals reviewed for less cost as an internal urban designer reviews minor significant development proposals. • Internal urban designer coordinates top-tier external specialists for meetings held every three weeks. • External specialists at each 	<ul style="list-style-type: none"> • Only major significant development proposals included in option due to cost and required meeting time. • Three members, being top-tier external urban design specialists, including an urban designer, an architect and a landscape architect. • One member appointed to chair. • Meetings held every three weeks • Board co-ordinator 	<ul style="list-style-type: none"> • Main function is to provide urban design advice during the assessment of DAs for residential apartment development (as defined under the SEPP). • Only residential apartment developments and other major significant development proposals included in option due to cost and required meeting time. • Meetings held every three weeks. • Under SEPP 65, advice obtained from a SEPP 65 constituted DRP must be taken into consideration in the determination of a DA for a residential apartment development. This gives greater legal weight to urban design advice provided for such development types. • Established in accordance with SEPP 65 and the Apartment Design Guide (ADG). • Meetings procedures determined by Council in consultation with panel

COUNCIL MEETING

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URBAN DESIGN REVIEW (CONT.)

Option 1 - Internal Urban Design Review Service	Option 2 – Council Design Review Board	Option 3 – SEPP 65 Constituted Design Review Panel
<p>meeting to comprise an urban designer, architect and landscape architect.</p> <ul style="list-style-type: none"> • Advice confirmed to planner via an electronic internal referral document. • Internal urban designer would attend IHAP. External specialists to attend IHAP for the more complex sites. • Council establishes service based on own requirements and sets procedures. • Advice provided made publically available. • Cost approx. \$190,000 P/A. • Able to recoup costs at pre-DA stage and for planning proposals. 	<p>employed on a full-time basis.</p> <ul style="list-style-type: none"> • Part-time assessment planner employed to undertake the additional work created. • Chair would attend IHAP meetings. • Council establishes board based on own requirements and sets procedures. • Advice provided made publically available. • Cost approximately \$235,000 P/A • Able to recoup costs at pre-DA stage and for planning proposals. 	<p>members.</p> <ul style="list-style-type: none"> • Consists of three or more persons appointed by Council. • Member to have expertise in architecture, landscape architecture or urban design. • Members cannot be an employee of Council or a councillor. • Members hold office for a term determined by Council (at least two years). • Requires the appointment of a panel coordinator. • Part-time assessment planner employed to undertake the additional work created. • Attendance of a chairperson at IHAP. • Advice provided made publically available. • Cost approx. \$235,000 P/A, plus one off cost of approx. \$4,500 to set meeting procedures with panel. • Council can charge \$3,000 for each residential apartment development DA (or modification) that goes to a constituted DRP. However, could not charge this fee for other development types. • Able to recoup costs at pre-DA stage and for planning proposals.

The terms of reference, costs, administrative procedures, relationship to IHAP and discussion of other matters have been provided below for the options in order to fully address the CDC's resolution on 5 December 2013 whereby a detailed report on those matters is to be provided to Council (see resolution above).

Option 1 – Internal Urban Design Review Service

Option 1 involves engaging urban design specialists to undertake internal urban design review both at the pre-DA stage and during the assessment of DAs. The review would operate in a similar manner to the internal referral process that is undertaken for other specialist input on DAs such as engineering, building, biodiversity, health, etc. Internal urban design review would be undertaken at the same time as other referrals and prior to IHAP or JRPP. The urban design specialists would also provide advice on planning proposals to amend the CLEP and reviews of the CDCP.

A two tiered internal urban design review process is proposed to keep costs as low as possible while not compromising on the quality of urban design advice and resulting design outcomes. This two tiered system allows for more urban design review than Options 2 and 3 (see discussion below), as minor and major development proposals can be reviewed at a lower cost to Council (refer to description of minor and major significant development proposals above). The two tiers include:

- **An internal urban designer** employed to review minor significant development proposals and coordinate the top-tier external specialists to review major DAs.

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

- **External urban design specialists** engaged to review major significant development proposals. Specialists would include an urban designer, architect and landscape architect.

The role of the internal urban designer and the external specialists are outlined below along with discussion regarding the internal review process, their relationship to IHAP or the JRPP and costs. Two diagrams are also provided in the Attachments (Figures 1 and 2) outlining the process for Option 1.

- **Role of Internal Urban Designer and Review Process**
The role of the internal urban designer and review process would include:
 - Review of minor significant development proposals (as described above).
 - Employed on a two-year trial contract with an option to renew following a review of the success of the urban design review process.
 - Coordination of top tier external specialists to undertake three-weekly site visits and meetings to complete a review of relevant DAs. This would provide the internal urban designer the opportunity to receive mentoring from the external specialists. The internal urban designer would also be able to discuss their development proposals with the externals if required (e.g. a proposal may become complex and difficult to deal with for experience level of the internal urban designer).
- **Role of External Specialists and Review Process**
The role of the external urban design specialists and review process would include:
 - Three top-tier external specialists appointed to review major significant developments (see description above), comprising of an urban designer, architect and a landscape architect. It is considered necessary to have a specialist from each design field to ensure all design aspects of the major development proposals are reviewed.
 - As discussed above, the internal urban designer would coordinate the external specialists to undertake three-weekly site visits and informal internal three-weekly meetings to complete their reviews. Additional meetings would be called depending on need.
 - Site visits would be held on the same day to ensure that all specialists have attended the site prior to the meeting.
 - Our planners would be asked to attend site visits and internal meetings with external specialists.
 - The amount of proposed developments considered at each internal meeting would depend on the proposals with Council. One meeting could be called for a large proposal if necessary.
 - Applicants and their designers would be requested to attend the meetings. It is noted after holding meetings with and without applicants, Marrickville Council ascertained that better outcomes were achieved if applicants and their designers were able to discuss design issues with the urban design specialists in person.

Appointment of external urban design specialists:

- A pool of nine leading external specialists would be formed comprising of three specialists from each design field (i.e. three urban designers, three architects and three landscape architects).

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

- One of each specialist type would be appointed to undertake reviews and two of each specialist type would be appointed as substitutes to enable meetings to be held where a specialist is on leave or is not able to attend.
- The pool of external specialists would be formed through an expression of interest.

- **Internal Referral Document and Process**

The advice given by both the internal urban designer and external specialists would be confirmed in writing via an internal referral document that would be provided electronically to the relevant staff planners assessing the DAs immediately following the internal review meeting.

The preparation of the internal referral document by all three specialists on the day of their meeting will ensure that the advice reflects the discussion had by the specialists. One criticism that is often made in relation to panels by architects, designers, planners and applicants is that the minutes or DRP reports are often very different to what was discussed at a panel meeting and the length of time between a meeting and the issue of minutes or DRP report is too long.

- **Terms of Reference**

Terms of reference for this option are provided in the Attachments. The terms would form part of the position description for the internal urban design specialist and would be included in the expression of interest for the external specialists.

- **Relationship of Internal Urban Designers to the Independent Hearing and Assessment Panel**

As discussed above, IHAP provides a final assessment and recommendation to Council. Whilst IHAP provides design advice from time to time, this consideration would be assisted by comments on the internal referral document completed by the internal urban designer or external specialists that has already had regard to those aspects of the proposal.

As part of the assessment process, the internal urban designer would attend IHAP meetings when consideration is being made for an application that has previously been through internal urban design review. This will enable the internal urban designer to respond to questions by IHAP members if required. For more complex sites, the external urban design specialists may also be asked to attend IHAP. However, in order to keep costs down this would be on an 'as need' basis as Council would need to reimburse the external specialists for their time.

- **Costs Associated with Internal Urban Design Review**

Estimated Annual Cost of Internal Urban Design Review

As discussed above, it is considered appropriate that Council remunerate design professionals equally and therefore the cost of running an internal urban design review service has been estimated based on the costs associated with remuneration of external design experts on our IHAP. The engagement of an internal urban designer is based on recent and similar job advertisements. The following annual costs have therefore been estimated where the specialists meet on a three weekly basis:

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

Item	Approximate Cost
Internal Urban Designer ¹	\$130,000
External Urban Design Consultants ²	\$60,000
Total	\$190,000

¹ Based on recent and similar job advertisements by City of Sydney and private consultancies. This includes on costs and attendance at IHAP.

² Based on IHAP remuneration amounts. This does not include attendance at IHAP as the internal urban designer will attend IHAP meetings on their behalf.

Recoupment of Costs

There is no legal mechanism for a Council to recoup costs for the referral of a DA to an internal urban design service during the assessment process. DA fees prescribed in the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) do not generally cover the full costs associated with the assessment of a DA and would not cover the additional expense of a referral to the service. However, internal urban design review offered as a pre-DA service can be financially assisted through the levying of additional fees to applicants.

To recoup some of the cost of running the internal urban design referral process, the following fees are proposed based on fees charged by other Council's offering urban design review at the pre-DA stage and the complexity of development proposals:

- Multi dwelling housing = \$2,800
- Seniors housing = \$2,500
- Commercial premises = \$2,800
- New community and public buildings = \$3,000
- Mixed use development, Shop top housing and Residential flat buildings = \$3,200

It is not possible to estimate the amount of proposals that will be referred to the internal urban design review service at the pre-DA stage until the service has been running for at least 12 months and it is therefore not considered possible to estimate the recoupment of costs that referrals received at the pre-DA stage will provide for the service per annum.

Other Cost Implications

During the 2014/2015 financial year, Council engaged urban design consultants to review planning proposals at a cost of approximately \$22,000. Recently, council assessment staff have required input from urban designers on major significant development proposals. It is considered that the introduction of an internal urban design review service would negate the need for many of these engagements.

Costs associated with Council introducing the DRP have not been calculated as they would be undertaken by existing staff members as part of general operations.

COUNCIL MEETING**24 SEPTEMBER 2015**

URBAN DESIGN REVIEW (CONT.)

Option 2 - Design Review Board

In order to introduce a design review board (board) that would be efficient, cost effective and limit the impact to existing staff resources and processing times of DAs, it is proposed that the board would provide advice on major significant development proposals only. This is proposed due to cost and time constraints related to the running of a formal board forum. However, it is proposed that, where considered necessary, Council may request development proposals, not included in the above description of major significant development, be referred to the board for the benefit of a top-tier urban design specialist review.

The board would comprise the following:

- Offered as a pre-DA service and to review DAs during the assessment process.
- Consist of three members, being top-tier external urban design specialists, including an urban designer, an architect and a landscape architect. It is considered necessary to have a specialist from each design field to ensure all design aspects of the major development proposals are reviewed.
- Meetings held on a three-weekly basis. The amount of proposed developments considered at each meeting would depend on the proposals with Council. One meeting could be called for a large proposal if necessary.
- A co-ordinator employed on a full-time basis to manage the board.
- A part-time assessment planner employed to undertake the additional planning work that the introduction of the board would create (this is based on the number of DAs received by Council in the last 12 months that would go to a board and additional hours of planning work the panel would create for each DA).

An outline of the processes that would be undertaken when proposals are referred to the board at the pre-DA stage and during the assessment process are provided below, along with discussion regarding terms of reference, relationship to IHAP and costs. A diagram is also provided in the Attachments (Figure 3) outlining the process for Option 2.

- **Design Review Board as a Pre-DA Service**

The following process would be followed when an applicant seeks advice at the pre-DA stage:

- Applicants submit their preliminary designs and associated documentation and would be invited to attend the meeting to discuss the design of the proposed development with the board. These meetings provide feedback and highlight issues, which need to be addressed prior to lodgement of the DA. The board may suggest alternative solutions for the applicant to consider.
- The recommendations of the board would be provided to both applicants and council staff, and applicants would be expected to consider these recommendations when finalising their proposal for eventual DA lodgement.
- The board may request to see the amended plans prior to lodgement of the DA. However, this would be up to the applicant.
- The recommendations of the board and the response to those recommendations by the applicant would be included in any report to IHAP or the JRPP and any final assessment report for any subsequent DA.

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

- **Design Review Board during the Assessment Process**

The following process would be followed when a DA is referred to the DRP during assessment:

- DAs referred early to the board in the assessment process to avoid the need for the applicant to re-work final plans and documents after meeting with IHAP.
- Applicants would be invited to attend the meeting to discuss the design of the proposed development with the board. The meeting would provide feedback and highlight issues which need to be addressed in the DA. This would include a discussion of any previous plans reviewed by the board at the pre-DA stage. The board may suggest alternative solutions for the applicant to consider.
- The recommendations of the panel are provided to applicants and council staff and applicants are expected to consider these recommendations when finalising their plans for DA assessments.
- The recommendations of the board and the response to those recommendations by the applicant would be included in the report to IHAP or JRPP and final assessment report and considered in the recommendations for determining the DA.

- **Terms of Reference**

Draft terms of reference for this option are provided in the Attachments. Further details would be prepared should Council decide to adopt this option. This would include detail regarding conduct and disclosures, meeting procedures and other procedural matters.

- **Relationship of Design Review Board to Independent Hearing and Assessment Panels**

The board would provide design input to assist with the overall architectural and urban design outcomes of the particular development proposal. IHAP on the other hand provides a final assessment and recommendation to Council. Whilst IHAP provides design advice from time to time, this consideration would be assisted by a report from the board that has already had regard to those aspects of the proposal.

For better interaction between the board and IHAP, the chair of the board would attend IHAP meetings when IHAP considers an application that has previously been dealt with by the board.

- **Costs Associated with a Design Review Board**

Estimated Annual Cost of Board

It is considered appropriate for Council to remunerate design professionals equally and therefore the cost of running the board has been estimated based on the costs associated with the running of Council's IHAP. The following annual costs have been estimated where a board meets on a three weekly basis:

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

Item	Approximate Cost
External Urban Design Consultants ¹	\$85,000
Board Co-ordinator ²	\$100,000
Part-time Assessment Planner ³	\$50,000
Total	\$235,000

¹ Based on Council's IHAP remuneration amounts, proposed running of the board and attendance of board chair at IHAP meetings

² Based on Council's IHAP remuneration amount and estimated on costs.

³ Based on current Council planner salary band and includes on costs.

Recoupment of Costs

There is no legal mechanism for a Council to recoup costs for the referral of a DA to an urban design review board during the assessment process. DA fees collected under the EP&A Regulation do not generally cover the full costs associated with the assessment of a DA and would not cover the additional expense of a referral to a board. However, a board offered as a pre-DA service can be financially assisted through the levying of additional fees to applicants. This has become an industry expectation in NSW where urban design reviews are undertaken. Most councils charge a fee for pre-DA service. The fees outlined above in Option 1 for proposals received at the pre-DA stage are also proposed for this option.

Other Cost Implications

As discussed above, Council has engaged urban design consultants to review planning proposals. Recently, council assessment staff have required input from urban designers on major development proposals. It is considered that the introduction of a board would negate the need for many of these engagements. Also, costs associated with introducing the board have not been calculated as they would be undertaken by existing staff members as part of general business.

Option 3 – SEPP 65 Constituted Design Review Panel

The main function of a SEPP 65 constituted DRP is to operate and provide urban design advice during the assessment of DAs for residential apartment development as defined under the SEPP. The functions of a SEPP 65 constituted DRP also enable a DRP to operate at the pre-DA stage and to review other development types. Advice can also be provided to Council on planning proposals and amendments to the DCP. However, any advice provided under these functions would be matters for the consideration of Council and unrelated to SEPP 65.

Residential apartment development is defined under the SEPP as development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component. The development must consist of the erection of a new building, the conversion of an existing building or the substantial redevelopment or refurbishment of an existing building. The building must also be at least three or more storeys and contain at least four or more dwellings. Under the SEPP, advice obtained from a SEPP 65 constituted DRP must be taken into consideration in the determination of a DA for a residential apartment development. In comparison to Options 1 and 2, this gives greater legal weight to urban design advice provided in the assessment of a DA for such development types.

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

In order to introduce a DRP that would be efficient, cost effective and limit the impact to existing staff resources and processing times of DAs, it is proposed that the DRP would provide advice on major significant development proposals only (including residential apartment development defined by the SEPP). This is proposed due to cost and time constraints related to the running a formal panel forum. However, it is proposed that where considered necessary Council may request development proposals not included in the above description of major significant development be referred to the DRP for the benefit of a top-tier urban design specialist review.

The DRP would comprise the following:

- Offered as a pre-DA service and to review DAs during the assessment process.
- Consist of three members, being top-tier external urban design specialists, including an urban designer, an architect and a landscape architect. SEPP 65 requires a specialist from each design field to ensure all design aspects of the major development proposals are reviewed.
- Meetings held on a three-weekly basis. The amount of proposed developments considered at each meeting would depend on the proposals with Council. One meeting could be called for a large proposal if necessary.
- A co-ordinator employed on a full-time basis to manage the panel.
- A part-time assessment planner employed to undertake the additional planning work that the introduction of the DRP would create (this is based on the number of DAs received by Council in the last 12 months that would go to a panel and additional hours of planning work the panel would create for each DA).

The process that would be undertaken when proposals are referred to the DRP at the pre-DA stage and during the assessment process are the same as provided above for the design review board, along with the terms of reference and relationship to IHAP. SEPP 65 constituted DRP requirements and meeting procedures, as well as costs, are outlined below. A diagram is also provided in the Attachments (Figure 4) outlining the process for Option 3.

- **SEPP 65 Requirements and Meeting Procedures**
 - The Minister for Planning has delegated to Council functions to constitute a DRP under SEPP 65 (12 June 2015).
 - A SEPP 65 constituted DRP is required to be established in accordance with requirements of the SEPP and the Apartment Design Guide (ADG).
 - The procedures at meetings of a SEPP 65 constituted DRP are to be determined by Council in consultation with the members of the panel having regard to the ADG (Clause 25 of SEPP).
 - Requirements and meeting procedures for a SEPP 65 constituted DRP provided in SEPP 65 and the ADG include:
 - A DRP is to consist of three or more persons appointed by Council, one of whom is to be appointed as chairperson (can be revolving). Council to notify the Minister of Planning as to who these panel members are.
 - In the case of a tied vote, the chairperson has casting vote.
 - A person is qualified for appointment as a member of a DRP if the person has expertise in architecture, landscape architecture or urban design only.
 - A person is not qualified for appointment as a member if the person is an officer or employee of Council or a councillor.

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

- A member holds office for such term as is determined by Council (being a term of at least two years), is entitled to such remuneration as determined by Council, and holds office subject to such conditions as are determined by the Council.
 - A member of a DRP who has a pecuniary interest in any matter that is the subject of advice must disclose the interest, must not take part in the consideration or discussion, and must not vote on any question relating to the matter.
 - A number of standard templates are provided: meeting agenda, development assessment overview, meeting minutes and panel recommendation; and a design quality test (completed by panel members).
 - Core selection criterion is provided in the ADG to guide selection of panel members via an expression of interest.
- **Costs Associated with a Design Review Panel**

Estimated Annual Cost of DRP

It is considered appropriate for Council to remunerate design professionals equally and therefore the cost of running the DRP has been estimated based on the costs associated with the running of Council's IHAP. The following annual costs have been estimated where a DRP meets on a three-weekly basis:

Item	Approximate Cost
External Urban Design Consultants ¹	\$85,000
DRP Co-ordinator ²	\$100,000
Part-time Assessment Planner ³	\$50,000
Total	\$235,000

¹ Based on Council's IHAP remuneration amounts, proposed running of the board and attendance of DRP chair at IHAP meetings

² Based on Council's IHAP remuneration amount and estimated on costs.

³ Based on current Council planner salary band and includes on costs.

Recoupment of Costs

The Department of Planning and Environment recently estimated the cost of an application being referred to SEPP 65 constituted DRP as \$3,000. This fee has been prescribed in the EP&A Regulation for residential apartment development as defined by the SEPP. If Council adopts this option for urban design review, it can therefore charge \$3,000 for each DA received for a residential apartment development for referral to the SEPP 65 constituted DRP. However, it cannot charge a fee for other forms of development referred to the DRP.

A constituted SEPP 65 DRP offered as a pre-DA service can be financially assisted through the levying of additional fees to applicants. The fees outlined above in Option 1 for proposals received at the pre-DA stage are also proposed for this option.

COUNCIL MEETING**24 SEPTEMBER 2015**

URBAN DESIGN REVIEW (CONT.)

Other Cost Implications

As discussed above, Council has engaged urban design consultants to review planning proposals. Recently, council assessment staff have required input from urban designers on major development proposals. It is considered that the introduction of a DRP would negate the need for many of these engagements. Also, costs associated with introducing the DRP have not been calculated as they would be undertaken by existing staff members as part of general business.

Legislative Framework

Details regarding the legislative framework for Options 1, 2 and 3 are included in the Attachments. Under all options, planning staff will be able to use the urban design review advice received to provide more robust assessments under Section 79C of the EP&A Act.

Insurance Matters

Advice has been sought from our insurance brokers Jardine Lloyd Thompson Pty Ltd (JLT) in relation to insurance matters relating to the three options discussed in this report.

JLT has advised that the external specialists proposed in each of the three options would need to maintain their own insurance cover and provide evidence prior to being contracted to Council. This includes public liability insurance and professional indemnity insurance up to \$20 million. Our staff already require evidence of any required insurances from interested parties as part of Council's expression of interest process and as such the necessary evidence would be requested from applicants to an expression of interest for the option adopted by Council.

Evaluation of Urban Design Review Options

A detailed table providing the pros and cons of Option 1 (an internal urban design review service), Option 2 (a design review board), Option 3 (a SEPP 65 constituted DRP) and the no urban design review alternative is included in the Attachments. On review of that table and the details provided in this report, the following key reasons are provided for introducing Options 1, 2 or 3 rather than no urban design review:

- **Need for improvements to urban design outcomes**
Urban design outcomes in the City of Canterbury will not improve without an urban design review of significant development proposals and it is considered that the need for urban design review has never been greater (see discussion above).
- **Flexibility and consistency in the application of planning provisions and controls**
As discussed above, urban design review is a mechanism that Council can use to achieve appropriate flexibility and consistency in relation to the application of planning provisions and controls.
- **Better design at lodgement of DAs to assist with faster determinations**
A major cause of delay is applicants and their designers not fully appreciating design issues. Urban design review provided at the pre-DA stage would result in better design and faster determinations.

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

- **Fewer changes requested by IHAP**
An urban design review undertaken by experts before proposals reach IHAP will result in less significant changes to a DA at the late stage in the assessment process when the IHAP considers DAs.
- **Reduced appeal costs**
Urban design review of DAs going before the Land and Environment Court may not be required if the DAs had an urban design review prior to Council determination.
- **New planning provisions and controls**
Urban design reviews in the drafting of new planning controls are likely to result in the need for fewer variations. The community would therefore also be more confident as to what can be developed in their area.
- **More robust assessments**
Planning staff will be able to use the urban design review advice to provide more robust assessments under Section 79C of the EP&A Act.

On further review of the pros and cons table, Option 1 is recommended over Options 2 and 3 for the following reasons:

- **Minor and major significant development proposals reviewed**
Due to time and cost constraints associated with formal panel forums, Options 2 and 3 have been proposed to review major development proposals only (see discussion above regarding minor and major significant development). Option 1 provides for urban design review at a lower cost for both minor and major significant proposals, including the review of minor significant developments by an internal urban designer and a review of major significant development by top-tier design specialists. Option 1 would therefore result in more urban design review leading to better urban design outcomes for more built form across the City of Canterbury.
- **Estimated lower cost**
Option 1 has been estimated to cost approximately \$190,000 per annum and Options 2 and 3 have each been estimated to cost approximately \$235,000 per annum.
- **Ability to have informal briefings and discussions with specialists**
Unlike the more formal panel forum proposed for Options 2 and 3, Council planners would be able to have informal discussions and meetings with the urban design specialists under the review process proposed in Option 1. This is likely to result in time savings and a greater understanding of urban design issues by Council staff as they affect individual DAs.
- **Assessment timeframes**
An urban design review by an urban design board or a SEPP 65 constituted DRP (Options 2 and 3) will create an extra layer to the assessment process and add significantly to assessment timeframes. Compliance reports would also need to be prepared by Council planners for proposals going to a formal board or DRP so that members of the board or panel can ensure that any design advice provided does not

COUNCIL MEETING

24 SEPTEMBER 2015

URBAN DESIGN REVIEW (CONT.)

result in any non-compliance with planning provisions and controls or inconsistency with other assessment issues. An internal urban design review service (Option 1) can occur concurrently with administrative tasks and other referrals without the need for the completion of compliance reports. As discussed above, informal discussions and meetings will be able to be held under Option 1 nullifying the need for such reports. Potential impacts to the Department of Planning and Environment's performance monitoring results for DAs are therefore likely to be less under Option 1.

- **Production of electronic internal referral document**
Urban design advice would be provided via an internal referral document to Council planners immediately following meetings conducted under Option 1. This would occur to ensure that the referral reflects the discussion had by the specialists and to limit delays. Research by Sydney University has revealed that board/DRP reports or minutes take on average one month in Sydney to reach DA planners in other Councils.
- **Mentoring of applicants, applicant's designers and staff**
Applicants and their designers will receive mentoring from internal and external urban design experts appointed by Council in the informal meeting setting provided by Option 1. This is not possible through the formal board or DRP forums of Options 2 and 3. For the same reason, mentoring of Council staff is also more likely to occur under Option 1.
- **Consideration of other assessment issues**
Design experts can sometimes be expert in their particular field with limited experience in other assessment issues. The result of this may be proposed design amendments by a board or DRP (Options 2 and 3) that cannot be supported. An internal urban design review service (Option 1) would allow urban design issues to be assessed with all other issues (engineering, building, etc.) and staff can discuss the implications of any design changes with the urban designers without going back through a formal board/DRP process (See discussion above regarding informal briefings and discussions with urban designers).
- **Less impact on planning resources**
The additional time spent by our planners processing DAs as a result of the introduction of a board/DRP (Options 2 and 3) will have greater impact on the Department of Planning and Environment's performance monitoring results unless an additional part-time planning resource is employed.
- **No need for a panel co-ordinator**
There would be no need for a panel co-ordinator to be employed by Council for Option 1, as the internal urban design specialist would provide both urban design advice on minor significant development proposals and co-ordinate the urban design review process (including the top-tier external specialists) for major significant development proposals.

COUNCIL MEETING**24 SEPTEMBER 2015**

URBAN DESIGN REVIEW (CONT.)

Review of Urban Design Review Option

It is recommended that a review of the option adopted by Council be undertaken a year following introduction. The value of the option will be able to be determined based on observations about the process and the integration of comments into final designs submitted to Council. It is also recommended that yearly reviews continue to be undertaken. This is because the development cycle from inception of a proposal to completion and occupation of the building is long, taking several years at best. As discussed above, it is also considered that the need for a SEPP 65 constituted DRP to provide more legal weight to urban design advice in the assessment of DAs should be evaluated with the annual reviews.

Conclusion

Due to the level of interest in developing land, the need for expert urban design review to achieve higher quality design outcomes has never been greater in the City of Canterbury. Investigations detailed in this report have been undertaken to determine the best urban design review option for Council. Three options were considered in detail and the implication of having no urban design review was also considered.

An evaluation of the pros and cons of each of the options was undertaken as part of the investigations. Following that evaluation, Option 1 is recommended as it provides the most benefit in terms of providing more urban design review of development proposals at a lower cost and has less impact to existing staff resources and processing times of DAs. It is recommended that Option 1 be reviewed a year after introduction and each year thereafter including reviews of the need to introduce a SEPP 65 constituted DRP.

RECOMMENDATION:

THAT

1. The internal urban design review service as outlined in the report as Option 1 be supported.
2. Funds of \$190,000 be voted in 2015/16 Budget from Councils Working funds to support the Urban Design Review service.
3. An expression of interest process for panel members be instituted and the preferred panel lists reported to Council for endorsement.
4. Yearly reviews of the Urban Design function be undertaken and reported to Council.

COUNCIL MEETING**29 OCTOBER 2015****3 PECUNIARY INTEREST RETURNS**

FILE NO: D-25-47, D-25-48

Min. No. 397 RESOLVED (Councillors Hawatt/Kebbe)
 THAT the report be noted.

4 CAMPSIE LIBRARY UPGRADE

FILE NO: L-36-1

Min. No. 398 RESOLVED (Councillors Saleh/Adler)
 THAT

1. The allocation of \$318,000 toward the project from General Revenue Funds be endorsed.
2. In the event that the Library Infrastructure Grant application is unsuccessful, an allocation of \$188,000 from the Canterbury Development Contributions Plan be endorsed.
3. A further report be presented to Council to determine the outcome of the tender process for the provision of the works for the upgrade to Campsie Library.

5 COMPULSORY ACQUISITION OF LAND FOR THE PURPOSE OF CONSTRUCTING AN EXTENSION TO THE M5 MOTORWAY

FILE NO: E-45-12 PT8

Min. No. 399 RESOLVED (Councillors Hawatt/Azzi)
 THAT the report be noted.

Councillor Eisler requested that her name be recorded as having voted against the resolution.

6 INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW

FILE NO: D-6-9 PT11

MOTION: (Councillor Azzi/Saleh)

THAT:

1. The IHAP Policy and Constitution be amended as outlined in the report.
2. An increase in remuneration as detailed below be endorsed.
 - Chairperson \$1,700 per meeting (excluding GST).
 - Panel Members \$1,150 per meeting (excluding GST).
3. A day be set aside annually for Councillors, staff and IHAP members to view completed developments and to discuss planning issues.
4. Community forums be held as deemed necessary to explain to residents changes in planning practices.

During discussion of the above item, the following **AMENDMENT** was moved.

Min. No. 400 RESOLVED (Councillors Hawatt/Vasiliades)

1. The IHAP Policy and Constitution be amended as outlined in the report.
2. An increase in remuneration as detailed below be endorsed.

COUNCIL MEETING**29 OCTOBER 2015**

- Chairperson \$1,700 per meeting (excluding GST).
 - Panel Members \$1,150 per meeting (excluding GST).
3. Completed developments valued to be in excess of ten million dollars be included as a photomontage in the Director City Planning's Quarterly Review presentation to Council.
 4. Community forums be held as deemed necessary by the General Manager to explain to residents changes in planning practices.
 5. The following point under 6.1 of the Policy reading:
 - "Construction of a building/s of four or more storeys;" be amended to read:
 - "Construction of a building/s of four or more residential storeys;" and that the Policy be placed on public exhibition.

The **AMENDMENT** on being put to the meeting became the **MOTION**. The **MOTION** on being put to the meeting was declared **CARRIED**.

7 **INTERNAL AUDIT COMMITTEE**
 FILE NO: A-46-4 PT5

Min. No. 401 RESOLVED (Councillors Adler/Hawatt)
 THAT the minutes of the Internal Audit Committee meeting held on 25 August 2015 be endorsed.

8 **REQUEST FROM RONGDHANU AUS BANGLA CULTURAL SOCIETY INC FOR REDUCTION OF HALL HIRE FEES**
 FILE NO: S-88-2 2015 PT2

Min. No. 402 RESOLVED (Councillors Hawatt/Saleh)
 THAT the request to reduce the hall hire fees for The Rongdhanu Aus Bangla Cultural Society Inc. for use of the Lakemba Senior Citizens Centre for a talent program on 16 March 2016 be supported.

9 **REVIEW OF FEES FOR USE OF COUNCIL FACILITIES**
 FILE NO: C-114-7 15/16, P-5-2 PT10, S-88-1 PT2, C-3-10 PT2

Min. No. 403 RESOLVED (Councillors Paschalidis-Chilas/Azzi)
 THAT

1. Amendment of the Management, Maintenance and Use of Senior Citizens Centres and the Operational Guidelines for the Use of the Carrington Centre Meeting Room policies regarding fees be endorsed.
2. Amendments to the Activities on Community Land Requiring Approval policy regarding requests for reduction of fees be endorsed.
3. An allocation of \$20,000 be included in future budgets for reduction in fees for community groups that use our facilities.
4. A further report be brought to Council on the implementation of these policy changes in October 2016.

COUNCIL MEETING

29 OCTOBER 2015

6 INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW

FILE NO: D-6-9 PT11

Attachments: IHAP Policy, Constitution and Rules

REPORT BY: DIRECTOR CORPORATE SERVICES

Summary:

- The operation of the Independent Hearing and Assessment Panel (IHAP) has recently been internally reviewed.
- The IHAP has also provided Council with an annual report on its operations.
- This report details the issues raised in the IHAP report, recommends amendments to the IHAP Policy and Constitution and seeks endorsement for an increase of remuneration to IHAP members.

Council Delivery Program and Budget Implications:

An increase in remuneration to IHAP members will require an increase in the IHAP budget of \$8000 pa. This report supports our Community Strategic Plan long term goals of Balanced Development and Effective Governance.

Report:

Review of IHAP

The IHAP has prepared its annual review report of its operations at Canterbury. The IHAP believes that its operating procedures are most-effective and the support provided by Council staff is invaluable. The IHAP has raised a number of issues in its review and these matters are detailed below.

Monetary Value of Development Applications (DA) Considered

The IHAP notes the estimated cost of construction for DAs received by Council increased from \$593m in 2012/13 to \$874m in 2014/15 (an increase of 47%). Over the same period of time, DAs referred to IHAP increased from \$129m to \$311m (an increase of 140%). This increase is particularly significant in terms of IHAP's workload.

Zoning of Land

The IHAP notes that many objectors to DAs that address the Panel state that they are unaware of the zoning for the land where the development is proposed. Although it could be argued that landowners should make themselves aware of the zoning, many do not and are surprised when a DA is lodged to develop nearby land for a multi-storey dwelling. IHAP therefore recommends that Council consider conducting a community forum on an annual basis in each of the Council Wards to explain to residents

- Current zoning provisions
- Development potential of the zoning
- Long term planning proposals for the Ward (if any)

COUNCIL MEETING**29 OCTOBER 2015**

INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW (CONT.)

Design Review Panel

Assessment of building design is principally addressed at IHAP meetings by the Panel's Architect/Urban Designer. This process usually involves suggested alterations to plans which in most cases, is accepted on the spot by the applicant or their architect. However, difficulties arise when the applicant/architect later rescinds their acceptance of resultant conditions after the IHAP meeting and prior to the City Development Committee meeting.

IHAP notes there are instances where Council does not accept IHAP's design changes, even though these changes have only been recommended where there are serious amenity issues for the proposed development (and/or its neighbours) and based on the Panel's collective experience of the standard of other developments across Sydney. IHAP is conscious of the fact that it would be unfair on applicants to request substantial changes to plans late in the process, and the changes it recommends are consciously limited to just those which are minor in effect.

Any major changes required to the Plans should be identified at the beginning of the planning process. Therefore the IHAP supports the introduction of a Design Review Panel (DRP) at the pre-development application stage. The Panel is of the view that a DRP would add value to the development process and would avoid, to a large extent, last minute changes to plans which sometimes occur at IHAP meetings. Mr Anthony Hudson, Chairperson of Canterbury IHAP, states that it is the Panel's view that *'there would be advantages to Canterbury in terms of better design outcomes for the district, and considerable cost savings to Council and the applicant in terms of a quicker approval process.'*

IHAP have provided the following advice to Council on establishing a DRP:

In the view of the IHAP the process could best be advanced by way of the formation of a three (3) person DRP with architectural, landscape and urban design expertise that would work with the applicant, and the applicant's architect/urban designer, with one or more iterations of the design (if necessary) prior to lodgement. The overall objective would be to reach a point of design excellence (with the possibility of an annual award from Council for good practice). Council staff would be on hand to advise on a whole range of general planning matters (e.g. disabled access) and common problems occurring within Canterbury. The cost of fees for members on the DRP would be met by the applicant.

The terms of reference of the DRP could be modelled on similar Panels operating elsewhere in Sydney, but under the umbrella of recent amendments to 'State Environmental Planning Policy (SEPP) 65-Design Quality of Residential Apartments' which allows Councils to appoint a DRP to advise on whether apartment developments meet the design principles of the new 'Apartment Design Guide' and, if not, to make recommendations on ways to comply with the Guide. The work of the DRP could also include an assessment of townhouses and affordable housing developments if considered appropriate.

COUNCIL MEETING**29 OCTOBER 2015****INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW (CONT.)**

An alternative approach would be to appoint a permanent architect/urban designer to Council's staff (or on contract to act as required) and to operate in concert with other professional staff in the assessment of development applications. A third alternative would be a permanent appointment to Council staff (or on contract to act as required) and the establishment of a DRP in line with a similar dual arrangement which exists in some local government areas elsewhere in New South Wales.

IHAP would be happy to provide input on the establishment of the DRP based on the working and advisory experience of its architects/urban designers.

Review of Finalised Developments

The Panel requests that a half day each year be set aside for the Panel, Councillors and Council staff to view completed developments that were the subject of major concern, controversy or argument prior to approval. The Panel believes this would be beneficial to both the Council and the Panel. The request is supported.

Meeting with Councillors

The Panel believes that it would be beneficial for its members to meet with Councillors on an annual basis to discuss planning issues. Such a meeting could be held on the same day as the review of finalised developments. The request is supported.

Transition Between High and Low Density Residential Development

The Panel has considered a number of DAs where high density residential development is planned next to, or in the vicinity of, a single residential zone. This raises issues of privacy and overshadowing. The Panel support a transition zone (say R3 – Medium Density) between a high density residential zone and a low density residential zone in order to minimise adverse effects. The Panel understands that a Working Group has been established to review this matter. The Panel would be happy to provide input to the Working Group, based on its experience in Canterbury and other areas of Sydney.

Exceptions to Development Standards

The Panel has noted the increasing use by applicants of Clause 4.6 of the LEP (Exceptions to Development Standards). Under Clause 4.6, an applicant can make a written submission to Council as to why compliance with a development standard is unreasonable or unnecessary for the DA, and that there are sufficient environmental planning grounds to justify contravention of the development standard. In granting development consent that contravenes a development standard, the Council must nonetheless be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard, and the objectives for development within the zone in which the proposed development is located.

The IHAP is of the view that local planning policy and planning controls contained in the Canterbury LEP and DCP should not be easily put aside because they have been through a statutory process involving public exhibition and the consideration detailed and extensive of public comment. The Panel notes that DA applicants may seek concessions on LEP requirements for floor space ratio and building height, and DCP requirements such as minimum frontage, building setbacks, building separation, open space etc. IHAP states that it is difficult to see how the public interest can be served when a range of such concessions are sought by an applicant and that better planning outcomes will be achieved as a consequence.

COUNCIL MEETING**29 OCTOBER 2015**

INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW (CONT.)

The IHAP draws this important matter to Council's attention in order to avoid a situation whereby applications for exemption from development standards are seen as "common practice" rather than "exceptions". The Panel understands that some exceptions to development standards may be justified. However, the Panel would not like to see a gradual erosion of Council's rigorously determined development standards to the detriment of the public in general, and having an adverse impact on neighbouring properties, leading to a reduction in liveability for the purchasers/occupants of individual apartments, in particular.

Panel Remuneration

The IHAP has requested Council's consideration of an increase in the remuneration of members for attendance at the IHAP meetings. The Panel's fees were last reviewed in 2013. The basis of the Panel's submission for an increase in fees is the additional time spent by Panel Members in the assessment process and more complex development proposals. The Panel estimates that it spends between 8 to 12 hours for each IHAP meeting

- Reading the agenda
- Attending meetings
- Preparing the report to Council

Remuneration to Panel members is as follows:

Chairperson:	\$1,500.00 per meeting (excluding GST)
Panel Members:	\$1,000.00 per meeting (excluding GST)

The Panel is seeking an increase in remuneration as follows:

Chairperson:	\$2,000.00 per meeting (excluding GST)
Panel Members:	\$1,400.00 per meeting (excluding GST)

We have contacted other Councils that have an IHAP and they have provided the following information about the fees they pay panel members. The councils requested that their names not be included in the report.

- Council 1
Chairperson receives \$1,397.30 per meeting (excluding GST)
Other panel members receive \$1,018.18 per meeting (excluding GST)
- Council 2
Chairperson receives \$500 per hour (excluding GST)
Other Panel Members receive \$1,500 per meeting (excluding GST)

In considering a suitable amount of remuneration to pay panel members, it is appropriate to review the calibre of professionals that make up our principal panel. Detailed below is a brief outline of each member's experience and qualifications.

- **Anthony Hudson (Chairperson – Law)**
Anthony is a partner with Wilshire Webb Staunton Beattie Lawyers and a Law Society-accredited specialist in Local Government and Planning Law. He has over 20 years experience in local government and planning law including advocacy in the Land and Environment Court.

COUNCIL MEETING

29 OCTOBER 2015

INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW (CONT.)

- **Lloyd Graham (Planning)**
Lloyd is a member of Manly and Warringah IHAPs. He has held the positions of Deputy Town Planning Commissioner for the Department of Town Planning in Western Australia and Deputy Chairperson of the Metropolitan Region Planning Authority. He also holds a degree in Town Planning and a Masters Degree in Economics.
- **Dr Ian Garrard (Environmental Scientist)**
Ian has over 25 years of experience in environmental assessment, development planning, sustainability, natural resources and land use. His postgraduate qualifications include a Doctorate of Philosophy (Land Use and Environmental Impact Appraisal) and Master of Applied Science (Environmental Pollution Control). Ian's professional experience includes the role of Assistant General Manager at Pittwater Council. Other roles he has held include Company Director and Senior Executive positions Principal Project Director – Sustainability at GHD, NSW Manager, Environmental Planning and management positions with Hyder and Egis Consulting.
- **Stacey Miers (Social Science)**
Stacey holds a PhD in Town Planning. She has extensive experience in delivering social planning, social housing, community planning and social impact projects for State and Local Governments. Stacey is the principal for SLM Consulting.
- **Roger Hedstrom (Urban Design/Architecture)**
Roger is a member of the Urban Design Review Panel for Botany Bay, Ryde, Gosford, Wyong and Liverpool Councils. He has over 25 years experience in operating his urban design/architecture business and has been registered with NSW Board of Architects for over 40 years. Roger is the Principal for Hedstrom Planning.

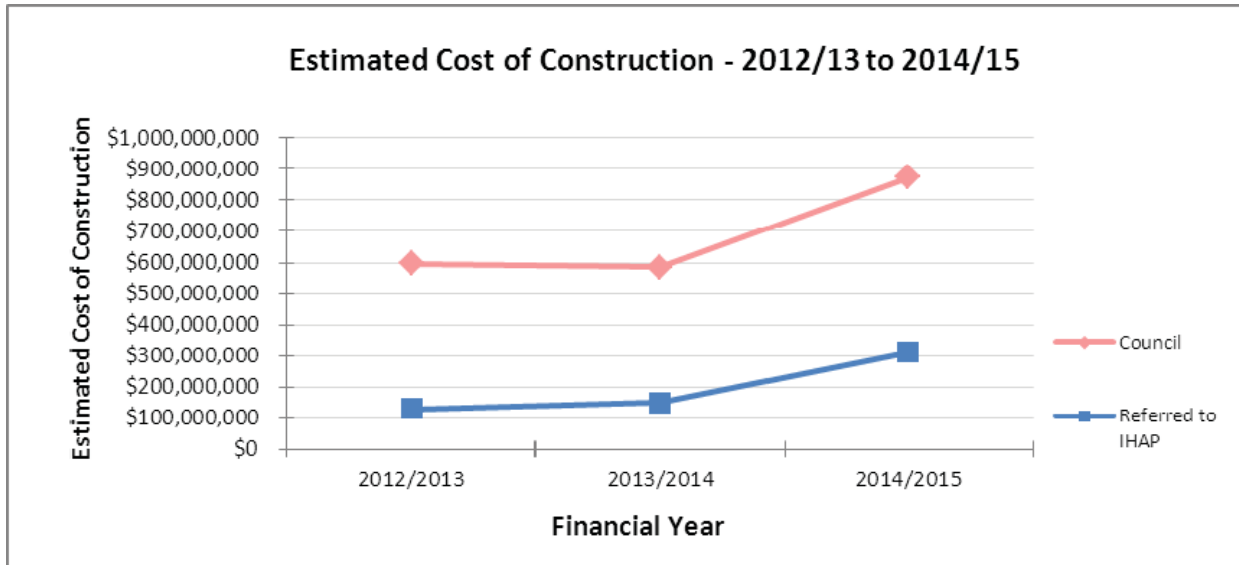
The above information shows the high calibre of professionals we have serving on our Panel. In my view the quality of our Panel is equal to any other Panel in NSW.

As mentioned earlier in the report, the estimated cost of construction for DAs submitted to IHAP has increased from \$129m in 2012/13 to \$311M in 2014/15 (see table below). Along with the significant increase in the values of DAs considered by IHAP there has been an increase in the complexity of the DAs, as witnessed by development in the Canterbury Town Centre and along Canterbury Road. This has meant that IHAP is required to spend considerably more time than previously on assessing the DAs.

COUNCIL MEETING

29 OCTOBER 2015

INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW (CONT.)



It is therefore recommended that the remuneration paid to our IHAP members be increased as follows:

- Chairperson \$1700 per meeting (excluding GST)
- Panel Members \$1150 per meeting (excluding GST)

Council Resolution

Council on 23 July 2015 resolved as follows:

THAT a report be prepared to address the following:

The IHAP charter be amended so that when the IHAP recommends additional conditions in a DA assessment, the IHAP notes which statutory considerations, legal precedents or design considerations any proposed recommendations relate to.

In considering Council's resolution, regard needs to be given to the Roles and Function of IHAP as detailed in the Panel's Constitution. The Roles and Function of the Panel are reproduced below.

5. Role and functions of Panel

5.1 The role and functions of the Panel are as follows:

- (a) to independently and objectively assess the Proposals, and any reports by Council officers in relation thereto;
- (b) to provide, by way of a report to Council, independent advice to Council in relation to the Proposals and such recommendations to Council in relation to the form and substance of the Proposals and any related matter as the Panel may think fit including but not limited to recommendations as to any suggested changes to the form and substance of any of the Proposals;
- (c) to hold public meetings for the purpose of providing stakeholders with opportunities to openly discuss the Proposals and to make representations, submissions and objections in relation to the Proposals;
- (d) to hear and consider any representations, submissions and objections made in relation to the Proposals;

COUNCIL MEETING

29 OCTOBER 2015

INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW (CONT.)

- (e) to take into account all relevant matters for consideration in respect of the Proposals including but without limiting generality, the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Council’s Development Control Plans, Local Environmental Plans, Codes and Policies; and
- (f) to exercise such other functions as the Council by resolution determines.

Sections 5.1(a) and (b) reinforces the requirement that the IHAP operate independently of the Council. The principle of independence is fundamental to, and the most important criteria for, the effective operation of the IHAP.

Section 5.1(e) dictates the matters the Panel must take into consideration when forming its recommendation to Council on each DA submitted to the Panel for assessment. In addition, the Panel’s Operational Rules state that the Panel must conduct its business in accordance with its Constitution.

Section 5.1(e) requires IHAP’s recommendations be based on statutory requirements and Council’s LEP, DCP and policies. The Panel would be in breach of Section 5.1(e) and its Constitution if its recommendations did not meet this requirement. I am not aware of any instances where the Panel’s recommendations breached Section 5.1(e).

Council’s resolution of 23 July 2015 requests consideration be given to require IHAP to include for all of its recommendations, information concerning Statutory considerations, legal precedents or design considerations on which the recommendation is based. For the financial year 2014/15, IHAP made a total of 198 recommendations to Council. Requiring IHAP to cite applicable statutory considerations, legal precedent and design considerations for each of the 198 recommendations would significantly increase the time that the IHAP would need to take in preparing its report to Council, make the report considerably longer and more-difficult to follow and is considered to be onerous for the Panel. Should the Council require more information from the IHAP on a particular recommendation/s, Council can under the IHAP’s Constitution

- Refer the report back to IHAP for further information; or
- Request a member/s of the Panel to attend a meeting to discuss the recommendation/s.

IHAP Policy

Public Addresses

We have reviewed our IHAP policy, constitution and rules and have identified a need for an amendment regarding public addresses. The policy for public addresses for IHAP is established in clause 6.3 of the IHAP policy. The proposed amendments are identified (in red italics) in the following table.

Current policy	Proposed amendments
People with a particular interest in an IHAP matter may apply to address the Panel at the meeting where the matter is being considered. An application to address the IHAP must be received at Council by 12 noon on the Friday prior to the meeting. Applicants will be advised of any conditions which may apply to their address to	People with a particular interest in an IHAP matter may apply to address the Panel at the meeting where the matter is being considered. An application to address the IHAP must be received at Council by 12 noon on the <i>Friday prior to the meeting day of the meeting</i> . Applicants will be advised of any conditions which may apply to

COUNCIL MEETING

29 OCTOBER 2015

INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW (CONT.)

Current policy	Proposed amendments
the Panel. If a number of applicants have similar views, they may be asked to appoint one spokesperson to address the IHAP. Written submissions to IHAP will be accepted.	their address to the Panel. If a number of applicants have similar views, they may be asked to appoint one spokesperson to address the IHAP. Written submissions to IHAP will be accepted.

The change is proposed to give applicants and those who have made a submission regarding an application being considered by IHAP an extended period within which to notify Council of the request to address the IHAP.

The IHAP policy, constitution and rules showing the proposed amendments are included in the Attachments.

Conclusion

The IHAP is designed to improve transparency, integrity, and confidence in the development assessment process. It meets these objectives at Canterbury. The IHAP provides another level of assessment beyond Council officers by experts who are independent of Council. The IHAP also provides an opportunity for residents and applicants to present their views and/or concerns about a development application. By having contentious and difficult development applications considered by independent experts, applicants and residents can be assured that their particular issues are fully considered and this gives the community extra confidence that the process has been thorough and rigorous. The IHAP also reduces delays in processing of major proposals.

The Canterbury IHAP has operated for eight years and has been very successful in improving the development assessment process at Canterbury. Panel membership has been relatively stable over the years and panel members have developed a great understanding of development in our City. Panel members deserve to be congratulated on their outstanding performance during the last eight years.

Following the internal review of IHAP it is proposed to amend the IHAP Policy regarding public addresses to extend the cut-off time for receipt of an application to address the IHAP. Further, given that remuneration to the IHAP members has not been reviewed or increased since February 2013, an increase in remuneration to the IHAP members is supported.

RECOMMENDATION:

THAT:

1. The IHAP Policy and Constitution be amended as outlined in the report.
2. An increase in remuneration as detailed below be endorsed.
 - Chairperson \$1,700 per meeting (excluding GST).
 - Panel Members \$1,150 per meeting (excluding GST).
3. A day be set aside annually for Councillors, staff and IHAP members to view completed developments and to discuss planning issues.
4. Community forums be held as deemed necessary to explain to residents changes in planning practices.

COUNCIL MEETING**25 FEBRUARY 2016****14 INVESTMENTS AS AT 31 JANUARY 2016**

FILE NO: I-30-9 PT4

Min. No. 47 RESOLVED (Councillors Hawatt/Eisler)

THAT the report be noted.

15 URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT

FILE NO: D-6-7 PT2

Min. No. 48 RESOLVED (Councillors Hawatt/Paschalidis-Chilas)

THAT

1. The internal urban design review referral as outlined in the report as Option 4 be endorsed and implemented.
2. Funds of \$98,000 be voted in 2015/16 Budget from Councils Working funds to support this option.
3. An expression of interest process or similar for urban designers be instigated and the preferred urban designers be reported to Council for endorsement.
4. Yearly reviews of the Urban Design function be undertaken and reported to Council.
5. The Director City Planning provide monthly briefings and reports to Councillors on proposals referred to urban designers at the pre-DA and DA stage.

ADJOURNMENT

At 9.45 p.m. the meeting was adjourned on the motion of Councillors Hawatt and Adler.

At 10.05 p.m. the meeting resumed.

16 COUNCIL BOUNDARY REVIEW PROCESS - CITY OF CANTERBURY SUBMISSION

FILE NO: L-44-4 PT7, L-40-3 PT3

MOTION (Councillors Paschalidis-Chilas/Azzi)

THAT the attached submission be lodged with the Delegate, Dr. John Roseth, by the closing date of Sunday 28 February 2016.

During discussion of the above item the following **AMENDMENT** was moved.**Min. No. 49 RESOLVED** (Councillors Adler/Saleh)

THAT

1. The following sentence be added to the last paragraph on page 8 of the submission: 'We further state that Canterbury's strongly preferred position is to stand alone.'
2. The last two paragraphs on page 30 of the submission concerning the number of Wards and Councillors be deleted.
3. Council endorses the submission as amended, prepared in response to the NSW Government's merger proposal for Canterbury and Bankstown Councils and that it be submitted by the due date.
4. Councillors be provided with regular feedback, updates and Council reports in relation to any response from the NSW Government as to Council's submission and, more broadly, its boundary review process.

15 URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT

FILE NO: D-6-7 PT2

Attachments: Pros and Cons
Previous Report 24 September 2015

REPORT BY: DIRECTOR CITY PLANNING

Summary:

- On 5 December 2013, our City Development Committee provided in-principle support for the idea of a design review panel in order for Council staff to pursue further investigations and prepare a detailed report to Council with a proposal.
- Investigations have been undertaken to determine which urban design review model is best for Council. As a result of those investigations, particulars (including terms of reference, cost and process, etc.) for three options were prepared for Council's consideration.
- Council considered a report on 25 September 2015 on the three options and resolved to defer the matter. It was requested that we prepare a fourth option with less financial implications.
- The purpose of this report is to present a fourth urban design review option with less financial implications to Council for consideration.
- Option 4 involves the engagement of three urban designers to individually review major significant development proposals at the pre-DA and DA stage in consultation with our planners.
- Major significant development proposals that would be reviewed under Option 4 include: residential flat buildings, senior housing and multi-dwelling housing with more than 20 dwellings; new buildings or major extensions in existing business zones; and new community and public buildings.
- To ensure that Councillors are best kept abreast of such applications, it is recommended that the Director City Planning provide monthly briefings and/or a monthly report to Council on proposals referred to the urban designers at the pre-DA and DA stages.
- An expression of interest process for urban designers would be instituted for Option 4 and the preferred urban designers list reported to Council for endorsement.
- The fourth option presented in this report is therefore recommended to Council.

Council Delivery Program and Budget Implications:

The preferred urban design review option (Option 4) would cost approximately \$98,000 per annum which is not included in the current budget. This report supports our Community Strategic Plan long term goal of Balanced Development.

COUNCIL MEETING**25 FEBRUARY 2016**

URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT (CONT.)

Report:**Background**

The City Development Committee (CDC) on 5 December 2013 considered a report on the introduction of a design review panel (DRP) for the City of Canterbury to achieve higher quality design outcomes for significant large scale development proposals. The report sought in-principle support for the idea of a DRP in order for Council staff to pursue further investigations and prepare a detailed report to Council with a proposal.

At that meeting, the CDC resolved:

THAT subject to a future detailed report regarding terms of reference, costs, administrative procedures, relationship to IHAP and other relevant matters, Council support the principle of the introduction of a Design Review Panel to provide advice early in the development assessment process on significant development proposals, including but not limited to the visual and physical impact of the proposal on the surrounding environment in reports to the relevant assessing and determining body, including the Joint Regional Planning Panel, the Independent Hearing and Assessment Panel, the City Development Committee or Council.

On 11 December 2014, Council resolved to form a working group of interested councillors to conduct a comprehensive review of the Canterbury Local Environment Plan 2012 (CLEP 2012) and the Canterbury Development Control Plan 2012 (CDCP 2012) with a view to addressing the following urban design issues:

- Improved provisions to govern transitional areas between high density and residential zones to protect the interests of residents with respect to privacy and overshadowing;
- Entrance/exit arrangements for new buildings are designed to maximise road safety with measures to be considered to include wide rear lanes where necessary; and
- Any other matter concerning improved design outcomes for developments in high density areas and protection of residential areas from overdevelopment.

The first CLEP/CDCP working group meeting was held on 7 July 2015. At that meeting, working group members were given the opportunity to discuss what they would like to achieve out of the review. Two key issues emerged during the discussion: flexibility in planning provisions and controls; and certainty in assessment outcomes.

On 25 September 2015 that addressed the CDC's resolution on 5 December 2013 and the comments made at the CLEP/CDCP working group meeting on 7 July 2015. The report did this by:

- Providing details on the benefits of urban design review;
- Outlining the need for improved urban design outcomes in the City of Canterbury;
- Outlining how urban design review is a mechanism that Council can use to achieve appropriate flexibility and consistency in relation to the application of planning provisions and controls to development proposals;
- Providing detailed information (including the legislative framework) regarding the implications of introducing an urban design review process, including the options of:
 - engaging urban designers to review significant development proposals;
 - introducing a design review board; and
 - constituting a State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) design review panel;

COUNCIL MEETING

25 FEBRUARY 2016

URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT (CONT.)

- Evaluating the urban design review options, including an assessment of the pros and cons of each option, and making a recommendation to Council on the best option.

On 25 September 2015, Council resolved to defer consideration of the matter. Further consideration of the options has been undertaken by staff and a fourth option with less financial implications has been prepared.

The purpose of this report is to present a fourth urban design review option with less financial implications to Council for consideration. A full copy of the report detailing the original three options is included in the Attachments.

Urban Design Review – Proposals Requiring Review, Benefits and Need

Significant development proposals requiring urban design advice in the City of Canterbury can be divided into two, i.e. minor and major significant development proposals.

Major significant development includes:

- Residential Flat Buildings with more than 20 dwellings or major additions to existing Residential Flat Buildings with more than 20 dwellings;
- Multi-dwelling Housing with more than 20 dwellings;
- New buildings or major extensions in existing commercial zones (being the B1 Neighbourhood Centre, the B2 Local Centre, the B5 Business Development and the B6 Enterprise Corridor zones of the Canterbury Local Environmental Plan 2012);
- Seniors Housing with more than 20 dwellings; and
- New community and public buildings, such as educational establishments, places of public worship, hospitals and community facilities.

Details regarding the minor significant development and criteria used for the establishment of minor and major significant development are outlined in the report to Council on 25 September 2015. Details regarding the benefits and need for urban design review are also detailed in that report, which is included in the Attachments.

Options for Urban Design Review

Three options were put forward in the report to Council on 25 September 2015. The options included:

- Engaging urban designers to review significant DAs (**Option 1**);
- Introducing a design review board (**Option 2**); and
- Constituting a SEPP 65 design review panel (**Option 3**).

Investigations leading to the preparation of the original three options and details in relation to each of those options (including the terms of reference, costs, administrative procedures, relationship to IHAP and discussion of other matters) are included in the report to Council on 25 September 2015.

As discussed above, it was requested that we prepare a fourth option with less financial implications than the original three options. **Option 4** (Internal Urban Design Referrals) has been prepared and is outlined in the heading below. The option is also included in the following table that summarises all four options.

COUNCIL MEETING

25 FEBRUARY 2016

URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT (CONT.)

Summary of Options

Option 1 - Internal Urban Design Review Service	Option 2 – Council Design Review Board	Option 3 – SEPP 65 Constituted Design Review Panel	Option 4 – Internal Urban Design Review Referrals
Internal referral similar to other assessment issues (e.g. engineering, building, etc.).	Only major significant development proposals included in option due to cost and required meeting time.	Main function is to provide urban design advice during the assessment of DAs for residential apartment development (as defined under the SEPP).	Only major significant development proposals reviewed to reduce costs (and no internal urban designer).
<ul style="list-style-type: none"> • Leading external urban design specialists engaged to review major significant development proposals. • Almost twice as many proposals reviewed for less cost as an internal urban designer reviews minor significant development proposals. • Internal urban designer coordinates top-tier external specialists for meetings held every three weeks. • External specialists at each meeting to comprise an urban designer, architect and landscape architect. • Advice confirmed to planner via an electronic internal referral document. • Internal urban designer would attend IHAP. External specialists to attend IHAP for the more complex sites. • Council establishes service based on own requirements and sets procedures. 	<ul style="list-style-type: none"> • Three members, being top-tier external urban design specialists, including an urban designer, an architect and a landscape architect. • One member appointed to chair. • Meetings held every three weeks • Board co-ordinator employed on a full-time basis. • Part-time assessment planner employed to undertake the additional work created. • Chair would attend IHAP meetings. • Council establishes board based on own requirements and sets procedures. 	<ul style="list-style-type: none"> • Only residential apartment developments and other major significant development proposals included in option due to cost and required meeting time. • Meetings held every three weeks. • Under SEPP 65, advice obtained from a SEPP 65 constituted DRP must be taken into consideration in the determination of a DA for a residential apartment development. This gives greater legal weight to urban design advice provided for such development types. • Established in accordance with SEPP 65 and the Apartment Design Guide (ADG). • Meetings procedures determined by Council in consultation with panel members. • Consists of three or more persons appointed by Council. • Member to have expertise in architecture, landscape architecture or urban design. • Members cannot be an employee of Council or a councillor. • Members hold office for a term determined by Council (at least two years). • Requires the appointment of a panel coordinator. 	<ul style="list-style-type: none"> • Three leading external urban designers engaged to review major significant development proposals as they are received by council. • No architectural review. • City planning staff coordinates external specialists to review applications. One specialist per review. • Applicants for major significant development are requested to refer concept plans at pre-DA stage for urban design review. • DAs will not be accepted without a pre-DA urban design review by Council's external specialists. • Internal referral back to specialists of all major significant developments at DA stage. • Requiring the urban design review of major significant development at both the pre-DA (design phase) and DA stage (assessment phase) will ensure that development is more likely to benefit from urban design review. • To assist the understanding of Councillors, monthly briefings on proposals

COUNCIL MEETING

25 FEBRUARY 2016

URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT (CONT.)

Option 1 - Internal Urban Design Review Service	Option 2 – Council Design Review Board	Option 3 – SEPP 65 Constituted Design Review Panel	Option 4 – Internal Urban Design Review Referrals
		<ul style="list-style-type: none"> Part-time assessment planner employed to undertake the additional work created. Attendance of a chairperson at IHAP. 	reviewed at pre-DA and DA stage to be given by Director City Planning.
Advice provided made publically available.	Advice provided made publically available.	Advice provided made publically available	Advice provided made publically available.
Cost approximately \$190,000 P/A	Cost approximately \$235,000 P/A	<ul style="list-style-type: none"> Cost approx. \$235,000 P/A, plus one off cost of approx. \$4,500 to set meeting procedures with panel. Council can charge \$3,000 for each residential apartment development DA (or modification) that goes to a constituted DRP. However, could not charge this fee for other development types. 	Cost approx. \$98,000 P/A - depending on receipt of proposals at pre-DA stage.
Able to recoup costs at pre-DA stage and for planning proposals.	Able to recoup costs at pre-DA stage and for planning proposals.	Able to recoup costs at pre-DA stage and for planning proposals.	Able to recoup costs at pre-DA stage and for planning proposals (maximum recoup estimated of approx. \$49,000 - depending on receipt of proposals at pre-DA stage).

The terms of reference, costs, administrative procedures, relationship to IHAP and discussion of other matters have been provided below for Option 4 in order to fully address the CDC's resolution on 5 December 2013 whereby a detailed report on those matters is to be provided to Council.

Option 4 – Internal Urban Design Review Service

Option 4 involves engaging urban designers to undertake internal urban design review both at the pre-DA stage and during the assessment of DAs in consultation with Council's planners for major significant development (as defined above). The review would operate in a similar manner to the internal referral process that is undertaken for other specialist input on DAs such as engineering, building, biodiversity, health, etc. Urban design review would be undertaken at the same time as other referrals and prior to IHAP or JRPP. The urban designers would also provide advice on planning proposals to amend the CLEP and reviews of the CDCP.

URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT (CONT.)

- **Role of Urban Designers and Review Process**

The role of the urban designers and review process would include:

- Three top-tier urban designers appointed to review major significant developments (see description above). It is considered necessary to have a specialist from each design field to ensure all design aspects of the major development proposals are reviewed. However, to reduce costs, Council will rely on the architectural experience of the urban designers engaged to review proposals under this option.
- Applicants for major significant development are requested to refer concept plans at pre-DA stage for urban design review.
- Where possible, DAs will not be accepted without a pre-DA urban design review by the urban designers.
- Administration staff would coordinate the urban designers to complete their reviews. One urban designer per proposal.
- Following the pre-DA review, referral back to the urban designers of all major significant developments would occur at the DA stage.
- The urban designers would be responsible for arranging their own site visits.
- Our planners would be asked to attend site visits and hold internal meetings with the urban designers as required.
- Applicants and their designers may be requested to attend the meetings with the urban designers and Council planners to discuss design changes. Council's planners would arrange these meetings.
- To assist the understanding of Councillors, monthly briefings on proposals reviewed at pre-DA and DA stage to be given by Director City Planning.

Appointment of urban design specialists:

- A pool of three leading urban designers would be formed.
- Each urban designer would be appointed to individually undertake reviews.
- The pool of urban design specialists would be formed through an expression of interest.

- **Internal Referral Document and Process**

The advice given by the urban designers would be confirmed in writing via an internal referral document that would be provided electronically to the relevant staff planners assessing the DAs immediately following the urban designers review.

- **Terms of Reference**

Terms of reference for this option are provided in the report to Council on 25 September 2015 prepared for all options. The terms would be included in the expression of interest for the urban designers.

- **Relationship of Internal Urban Designers to the Independent Hearing and Assessment Panel**

IHAP provides a final assessment and recommendation to Council. Whilst IHAP provides design advice from time to time, this consideration would be assisted by comments on the internal referral document completed by the external specialist that has already had regard to those aspects of the proposal.

COUNCIL MEETING

25 FEBRUARY 2016

URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT (CONT.)

As part of the assessment process, the relevant urban designer would attend IHAP meetings when consideration is being made for an application that has previously been through internal urban design review. This will enable the urban designer to respond to questions by IHAP members if required.

- **Costs Associated with Internal Urban Design Review Referral**

Estimated Annual Cost of Internal Urban Design Review Referral

It is considered appropriate that Council remunerate design professionals equally and therefore the cost of running an internal urban design review service has been estimated based on the costs associated with remuneration of external design experts on our IHAP. The following annual costs have estimated:

Item	Approximate Annual Cost
External Urban Design Consultants ¹	\$98,000
Total	\$98,000

¹ Based on estimated hours that would be spent on each proposal (including attendance at IHAP), daily rate paid to IHAP specialists and amount of major significant development applications received in the 2014-2015 financial year.

A review of the need for additional Council staff resources and associated costs would be undertaken following the introduction of Option 4 in relation to planning and administrative resources.

Recoupment of Costs

There is no legal mechanism for a Council to recoup costs for the referral of a DA to an urban designer during the assessment process. DA fees prescribed in the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) do not generally cover the full costs associated with the assessment of a DA and would not cover the additional expense of a referral. However, urban design review offered at the pre-DA stage can be financially assisted through the levying of additional fees to applicants.

To recoup some of the cost of running the urban designer referral process, the following fees are proposed based on fees charged by other Councils offering urban design review at the pre-DA stage and the complexity of development proposals:

- Multi dwelling housing = \$2,800
- Seniors housing = \$2,500
- Commercial premises = \$2,800
- New community and public buildings = \$3,000
- Mixed use development, Shop top housing and Residential flat buildings = \$3,200

COUNCIL MEETING**25 FEBRUARY 2016**

URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT (CONT.)

If Council requires all proposals to be referred to the urban designers for review at the pre-DA stage, it could recoup approximately \$49,000 (based on major significant development applications received in the 2014/2015 financial year). However, there is no legislative framework whereby Council can require the submission of all proposals at the pre-DA stage prior to submission of a development application. It is therefore considered that until the service has been running for at least 12 months, it is not possible to estimate the recoupment of costs that referrals received at the pre-DA stage will provide per annum.

Other Cost Implications

During the 2014/2015 financial year, Council engaged urban design consultants to review planning proposals at a cost of approximately \$22,000. Recently, council assessment staff have required input from urban designers on major significant development proposals. It is considered that the introduction of an internal urban design review referral would negate the need for many of these engagements.

Costs associated with Council introducing an urban design review option have not been calculated as they would be undertaken by existing staff members as part of general operations.

Legislative Framework

Details regarding the legislative framework for Options 1, 2 and 3 are included in the attachments to the report to Council of 25 September 2015. The legislative framework for Option 4 is the same as the legislative framework for Option 1. Under all options, planning staff will be able to use the urban design review advice received to provide more robust assessments under Section 79C of the EP&A Act.

Insurance Matters

As discussed in the report to Council on 25 September 2015, advice was been sought from our insurance brokers Jardine Lloyd Thompson Pty Ltd (JLT) in relation to insurance matters relating to urban design review. JLT advised that the external specialists proposed in each of the options would need to maintain their own insurance cover and provide evidence prior to being contracted to Council. We already require evidence of any relevant insurances from interested parties as part of our expression of interest process and as such the necessary evidence would be requested from applicants to an expression of interest for the option adopted by Council.

Evaluation of Urban Design Review Options – Financial Implications

A detailed table providing the pros and cons of Option 1 (an internal urban design review service), Option 2 (a design review board), Option 3 (a SEPP 65 constituted DRP) and the no urban design review alternative was completed for the report to the meeting on 25 September 2015. This table has been updated to include the additional Option 4 (as discussed above) and is included in the Attachments.

Review of Urban Design Review Option

It is recommended that a review of the option adopted by Council be undertaken a year following introduction. The value of the option will be able to be determined based on observations about the process and the integration of comments into final designs submitted to Council. It is also recommended that yearly reviews continue to be undertaken. This is

COUNCIL MEETING**25 FEBRUARY 2016**

URBAN DESIGN REVIEW - SUPPLEMENTARY REPORT (CONT.)

because the development cycle from inception of a proposal to completion and occupation of the building is long, taking several years at best. It is also considered that the need for a SEPP 65 constituted DRP to provide more legal weight to urban design advice in the assessment of DAs should be evaluated with the annual reviews.

Conclusion

An additional fourth urban design review option was considered in this report. The fourth option involves an internal urban design referral to urban designers engaged by Council for major significant development.

All four options have been considered in detail along with the implication of having no urban design review process. It is recommended that Option 4 be endorsed and it shall be reviewed six months after its introduction and each year thereafter.

RECOMMENDATION:

THAT

1. The internal urban design review referral as outlined in the report as Option 4 be endorsed and implemented.
2. Funds of \$98,000 be voted in 2015/16 Budget from Councils Working funds to support this option.
3. An expression of interest process or similar for urban designers be instigated and the preferred urban designers are to be reported to Council for endorsement.
4. Yearly reviews of the Urban Design function be undertaken and reported to Council.
5. The Director City Planning provide monthly briefings and reports to Councillors on proposals referred to urban designers at the pre-DA and DA stage.

23/07/2018

Design Review Forum (DRF) formerly Architectural Review Advisory Panel (ARAP) - Sutherland Shire Council

Home (<http://www.sutherlandshire.nsw.gov.au/Home>)

Development (<http://www.sutherlandshire.nsw.gov.au/Development>)

Review Panels (<http://www.sutherlandshire.nsw.gov.au/Development/Review-Panels>)

Design Review Forum (DRF) formerly Architectural Review Advisory Panel (ARAP)

Council established the Design Review Forum (DRF) formerly known as Architectural Review Advisory Panel (ARAP) to:

- Provide expert design advice on development proposals and policy, particularly for apartment buildings and multi dwelling housing;
- Assist in improving the design quality of development in terms of the quality of life for future occupants and the quality of the broader urban environment; and
- Build the capacity of assessment staff to assess proposals and make sound decisions.

When assessing pre development application proposals and formal development applications, the panel considers the following design principles:

1. Context and neighbourhood character
2. Built form and scale
3. Density
4. Sustainability
5. Landscape
6. Amenity
7. Safety
8. Housing diversity and social interaction
9. Aesthetics

Who sits on the DRF?

Currently the DRF consists of two external professional architects and a suitably experienced member of Council's assessment team. One of the architects is the permanent chairperson. Enough external members are appointed to allow a rotational roster to be prepared, however the permanent chairperson attends as many meetings as possible.

What types of development proposals will the panel consider?

The Forum provides advice on development applications for:

- residential flat buildings as defined under State Environmental Planning Policy 65;
- villa and townhouse developments – six units or more; and
- significant industrial, commercial, retail, residential and public buildings, dependent on their location, scale and whether they are visually prominent from the public domain, as determined by the Director, Shire Planning.

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When should a development proposal go to this forum?

Experience has shown that attending a meeting of the DRF before lodging a development application (<http://www.sutherlandshire.nsw.gov.au/Development/Development-Applications/The-DA-Process/5-Lodge-the-Application>) helps the applicant. Attendance at a DRF meeting allows an applicant to present concept drawings and a brief outline of the proposal for the DRF's initial consideration and comments before preparing detailed architectural, landscape and drainage plans.

If the DRF has fundamental concerns about the design concept, such matters can be addressed before detailed plans are prepared.

After consideration of a pre development application proposal, the applicant will be given a copy of the DRF's recommendations, including any design changes recommended to improve the quality of the proposed development.

After consideration of a formal development application the DRF will provide the council assessment officer with urban design and architectural advice, which is incorporated into the assessment process. The panel has no delegated authority to determine applications.

Fees

Design Review Forum (DRF)	Cost \$
Villas / Townhouses	2970
Seniors Living	2660
Industrial	2860
Commercial	2970
Mixed Residential / Commercial and Residential Flat Buildings	3370
Single dwelling houses	No charge

Please note that for second and subsequent DRF meetings for small to medium developments, there is a 50% fee reduction. This applies to residential development of 20 dwellings or less and non-residential development of less than \$6 million in value.

What should the applicant provide?

Pre DA applications DRF

- Summary of architectural proposal
- Architectural plans
- Concept landscape plan or concept notes
- Google SketchUp V14
- Completed compliance table (council will provide this template - also attached to DRF (ARAP) application form)

Development Applications

- Artchitectural plans

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- Landscape plan
- Statement of Environmental Effects
- Other relevant documents including Clause 4.6 variation statement
- Google SketchUp V14
- Completed compliance table (council will provide this template - also attached to DRF (ARAP) application form)

How does the DRF operate?

Meetings of the DRF are not open to the general public. Applicants are invited to attend the meeting to discuss their proposal but will not be present during DRF deliberations.

The DRF currently meets fortnightly and considers each development application as soon as possible after community consultation concludes. This allows the DRF to provide feedback to the assessment officer at an early stage of the assessment process so that the applicant can be advised.

The DRF has no authority to determine applications.

Apply for Pre DA Meeting with DRF (<http://www.sutherlandshire.nsw.gov.au/Development/Development-Application-Forms/Pre-DA-Meeting-with-DRF-formally-ARAP>)

More information

Policies and documents

Enquiries

Enquiries can be directed to the Panel Coordinator on 9710 0507

Related Content

Pages

- The DA Process (<http://www.sutherlandshire.nsw.gov.au/Development/Development-Applications/The-DA-Process>)
- Local Environmental Plan (LEP) (<http://www.sutherlandshire.nsw.gov.au/Development/Local-Environmental-Plan-LEP>)
- Development Control Plans (DCP) (<http://www.sutherlandshire.nsw.gov.au/Development/Development-Control-Plans-DCP>)
- Independent Hearing and Assessment Panel (IHAP) (<http://www.sutherlandshire.nsw.gov.au/Development/Review-Panels/Independent-Hearing-and-Assessment-Panel-IHAP>)
- Sydney South Planning Panel (<http://www.sutherlandshire.nsw.gov.au/Development/Review-Panels/Sydney-South-Planning-Panel>)