# LOCAL DESIGN REVIEW CODE AMENDMENT ENGAGEMENT REPORT

Prepared by the State Planning Commission (the Designated Entity) under section 73(7) of the *Planning, Development and Infrastructure Act 2016*

November 2021



STATE PLANNING COMMISSION

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# 1 Purpose of this Report

This Engagement Report details the engagement process and outcomes relating to the proposed Local Design Review Code Amendment (the Amendment) and is for the Minister for Planning and Local Government (the Minister) to consider in relation to the Amendment.

This report was prepared by the State Planning Commission (the Commission) acting as the Designated Entity in accordance with section 73(7) of the *Planning, Development and Infrastructure Act 2016* (the Act) and *Practice Direction 2: Preparation and Amendment of Designated Instruments*.

# 2 Introduction

## Local Design Review Scheme

Section 121 of the Act enables the Minister to establish a Design Review scheme where a person who is considering undertaking types of development specified in the Planning and Design Code (the Code) may apply to a design panel for design advice. The design advice is provided to the proponent to assist with design development and to the relevant authority for consideration during development assessment.

The Office for Design and Architecture SA (ODASA) prepared the Local Design Review Scheme for South Australia (the Scheme) to meet the provisions of the Act and to adopt the best-practice learnings from the State Design Review program, which was established by ODASA in 2011. The Scheme was drafted in close collaboration with the Commission, council staff from across the state, representatives from peak industry bodies and interstate government agencies with experience operating Design Review programs.

The draft Scheme was available for public comment for eight weeks from 26 June to 21 August 2020.

The Minister approved the Scheme in February 2021. The approved Scheme and the Engagement Summary Report are available to view on the PlanSA portal[1].




*Covers of the Local Design Review Scheme and Engagement Summary Report*

## Local Design Review Code Amendment

The Amendment is now required to give effect to the Scheme by enabling councils to specify classes of development to be eligible for Local Design Review in their area. The proposed Amendment will also require the Chief Executive of the Attorney-General's Department to publish and maintain a register of participating councils and their selected classes of development on the PlanSA portal.

Consultation on the proposed Amendment was open from 12 August to 27 September 2021 and built upon the collaborative approach undertaken by ODASA staff to develop the Scheme.

[1] plan.sa.gov.au/development_applications/case_management_services/design_review

# 3 Engagement Approach

On 5 August 2021, the Commission approved an engagement plan to guide the engagement process for the proposed Amendment and ensure that it achieved the principles of the Community Engagement Charter (the Charter).

The engagement plan included specific objectives to ensure:

- stakeholders were aware of the proposed Amendment and that it will enable the Local Design Review Scheme to come into operation
- stakeholders were aware of the intent and operation of the proposed Amendment and subsequent process for participating councils to specify eligible classes of development
- stakeholders had the ability to easily provide feedback during the consultation period
- the consultation process reflects stakeholder expectations.

There was no variation to the approved engagement plan during the consultation period.

## 3.1 Engagement Activities

The following engagement activities occurred before and during the consultation period.

### Direct correspondence to councils and industry bodies

In May 2021, the Chair of the Commission wrote to key stakeholders to inform them that the Amendment had been initiated. In August 2021, the Chair of the Commission wrote to the same stakeholders to advise of the commencement of the consultation period and how they could have their say.

Key stakeholders included:

- Chief Executives from all South Australian councils; and
- representatives from:
    - Association of Consulting Architects
    - Australian Institute of Architects
    - Australian Institute of Landscape Architects
    - Housing Industry Association
    - Local Government Association
    - Master Builders Association
    - Planning Institute of Australia
    - Property Council of Australia
    - Urban Development Institute of Australia

In August 2021, ODASA staff emailed over 60 council staff from across the state who were involved in preparation of the Scheme to inform them of the engagement opportunity and how they could provide feedback.

### Pre-consultation workshops

In May 2021, the Commission requested ODASA staff facilitate pre-engagement workshops with council staff and representatives from industry bodies to help inform the proposed Amendment.

Two pre-consultation workshops were held and are detailed in the following table.

| Who | When | Format | Attendees (excluding staff) |
|---|---|---|---|
| Council staff | 15 June 2021 | In-person and online | 9 |
| Industry representatives | 8 July 2021 | Online | 4 |

### Consultation websites (PlanSA portal and YourSAy website)

The proposed Amendment documentation and supporting information was publicly available online for the duration of the consultation period. The PlanSA portal and YourSAy consultation website were the primary locations for information and submitting feedback.

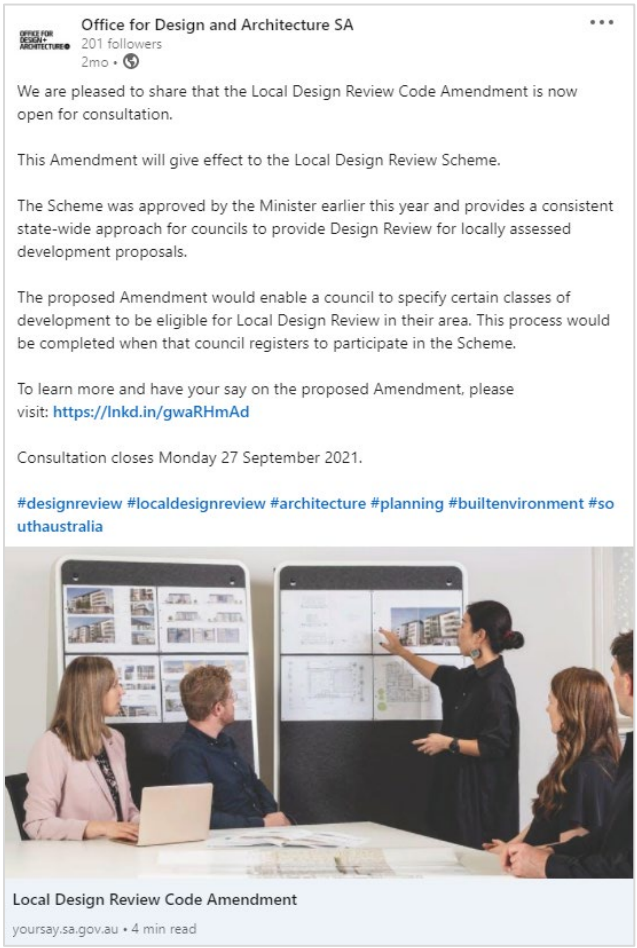
### Online survey

A survey comprising five questions was available on the YourSAy consultation website for the duration of the consultation period. A summary of the survey responses is provided in section 4.2 of this report.

### Social media campaign

The following social media platforms were used to promote the engagement opportunity and encourage feedback throughout the consultation period:

- ODASA LinkedIn
- PlanSA Facebook
- State Planning Commission LinkedIn
- YourSAy Facebook
- YourSAy Twitter
- YourSAy Instagram




*ODASA LinkedIn post (12 August 2021)*

### Planning Ahead newsletter

Planning Ahead is a public digital newsletter prepared by the Planning and Land Use Services division of the Attorney-General's Department. It provides news about the planning system and has 1,845 subscribers (as of 7 October 2021).

An article promoting the engagement opportunity was included in the 10 August 2021 edition.

### E-news articles

An e-news article was posted on the PlanSA portal on the 12 August 2021 to advise that consultation on the proposed Amendment was open.

The Planning Institute of Australia (SA Division) also promoted the consultation to their members and professional network on two occasions:

- 13 August 2021: special edition of e-news titled 'Local Design Review Code Amendment Released for Consultation'
- 3 September 2021: article in the September edition of e-news.



PIA Planning Institute Australia South Australian Division SA NEWS

**Local Design Review Code Amendment**

**OPEN FOR PUBLIC CONSULTATION NOW!**

The Local Design Review Code Amendment is now open for consultation and PIA SA encourages you to make comment on this important policy. The Code Amendment is required to give effect to the Local Design Review Scheme.

Earlier this year, the Scheme was approved by the Minister for Planning and Local Government under section 121 of the *Planning, Development and Infrastructure Act 2016*. The Scheme establishes a consistent state-wide approach for councils to provide Design Review for locally assessed development proposals.

The proposed Local Design Review Code Amendment would enable a council to specify certain classes of development to be eligible for Local Design Review in their area. This process would be completed when that council registers to participate in the Scheme.

The proposed Amendment was informed through pre-engagement workshops with local government staff and industry representatives (including PIA) and the extensive engagement undertaken to develop the Scheme.

If you would like to learn more, please visit the PlanSA Code Amendment page or the YourSAy consultation page.

Consultation on the Local Design Review Code Amendment closes Monday 27 September 2021!

*Planning Institute of Australia SA e-news article (13 August 2021)*

### Stakeholder meetings

ODASA staff were available on request to meet with interested parties during the consultation period.

The following three industry bodies requested briefings to help inform their submissions:

| Who | When | Format | Attendees (excluding staff) |
|---|---|---|---|
| Australian Institute of Architects | 13 September 2021 | In-person | 1 |
| Urban Development Institute of Australia | 16 September 2021 | Online | 12 |
| Property Council of Australia | 23 September 2021 | Online | 3 |

## 3.2 Mandatory Requirements

The following engagement requirements relating to amending the Code are prescribed in the Charter and have been met by this engagement:

1. Notice and consultation with councils
2. Notice and consultation with the Local Government Association

There are no additional engagement requirements outlined in the Act that applied to this engagement.

# 4 Engagement Outcomes

As outlined by the Commission in the Amendment documentation, feedback on the proposed Amendment could only influence the provisions that were proposed for inclusion in the Code.

Providing feedback on the proposed Amendment could not influence:

- instruments which are separate to the Code, such as the Act, regulations and the Local Design Review Scheme
- any further amendments to the Code other than that proposed in this consultation
- the Principles of Good Design as they appear in the Scheme and State Planning Policies.

Overall, 22 responses were received in relation to the proposed Amendment:

- 14 written submissions:
    - nine from councils
    - five from industry bodies within the planning, design and development sectors
- seven survey responses were submitted via YourSAy
- one comment was posted on the YourSAy forum

## 4.1 Written Submissions

This section summarises the key themes arising from the written submissions and details a change to the proposed Amendment resulting from the engagement.

In summary:

- most respondents (10) supported the proposed Amendment or made no comment or objection in relation to the draft provisions
- one respondent did not support the proposed Amendment as it 'would potentially see it [Local Design Review] used for such a wide class of developments'
- two respondents suggested a change be made to the proposed provisions in order to improve early proponent access to Local Design Review
    - this change is supported and reflected in the updated Amendment provisions
- one respondent did not specify whether or not they supported the proposed Amendment

A detailed summary of each written submission is provided in **Attachment 1**. Copies of 13 written submissions are provided in **Attachment 2**. One submission has been withheld as the respondent requested it remain private and confidential.

**Theme 1: intent and purpose of the Amendment**

Overall, the technical nature of the proposed Amendment and its purpose to give effect to the Scheme was acknowledged and understood by respondents.

**Theme 2: early access to Local Design Review**

Two respondents (a council and an industry body) suggested a change to the wording in clause 2(b) of the proposed Amendment that would improve early proponent access to Local Design Review. The respondents also believed this change would avoid the need for council staff 'to undertake a quasi-verification to determine whether the development is performance assessed or restricted', which could result in 'an administrative burden and substandard customer service'.

This suggestion is supported as it aligns with the intent and principles of the Scheme:

> 'Design Review is most effective when undertaken early in the planning and design process to effect positive change during design development' (Introduction, p.1).
>
> 'Design Review should take place as early in the design process as possible so as to effect positive change during design development and to avoid reworking' (Principles of Design Review, p.2*).*

The following table details how the Amendment provisions have been updated as a result of this feedback.

| **Wording in the proposed Amendment** | **Suggested change by respondents** | **Wording in the updated Amendment** |
|---|---|---|
| Clause 2(b)<br><br>*a form of development that is—*<br><br>*i. either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause; and*<br>*ii. specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.* | Clause 2(b)<br><br>*a form of development that is, or has the potential to be a class of development that is—*<br><br>*i. either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause; and*<br>*ii. specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.* | Clause 2(b)<br><br>*a form of development that is, or has the potential to be, either performance assessed development or restricted development that is within a class of development that has been—*<br><br>*i. selected by the council as a class of development for the purposes of this clause; and*<br>*ii. specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.* |

**Theme 3 – eligible classes of development**

The proposed Amendment would enable councils to specify classes of development to be eligible for Local Design Review in their area. A number of respondents agreed that the eligible classes of development should be broad in order to:

- encourage greater uptake of the Scheme (by councils and proponents)
- recognise the different issues that may arise between council areas (inner, middle and outer metropolitan areas and regional areas)
- provide councils with flexibility to tailor the manner in which the Scheme could be applied within their area

Two respondents raised concerns that the list of development classes provided in Attachment B of the Amendment document was too broad.

Attachment B outlined classes of development which may be eligible for Local Design Review. It was stated in the documentation that this list was provided for guidance only and that it was informed through consultation with council staff and industry representatives prior to consultation on the proposed Amendment.

Two respondents acknowledged the purpose of Attachment B; one expressed support for the list, and the other suggested further additions should it remain available.

**Theme 4: general commentary**

A number of respondents provided general feedback on other matters, including the Scheme and how it may be implemented at the local level. This feedback is considered out of scope for this Amendment but has been summarised in **Attachment 1**.

## 4.2 YourSAy Survey

Given the opportunity to consult with the public, a survey was developed and hosted on the YourSAy consultation website to understand community perceptions in relation to Local Design Review.

The survey comprised the following five questions:

1. Name of your local government area
2. Would you support Local Design Review being available in your local government area?
3. What kinds of development do you think would most benefit from an independent design review process such as Local Design Review?
4. Are there any incentives that you think would encourage developers to participate in Local Design Review?
5. Are there any incentives that you think would encourage your local government to make Local Design Review available in your area?

Seven survey responses were received and are included the Survey Response Report in **Attachment 3**.

## 4.3 YourSAy Forum

The YourSAy forum provided the community with the opportunity to share general feedback about the proposed Amendment.

One comment was posted by a user during the consultation period:

> *'It could possibly provide a forum for changes to the Hills Face Zone, where current residents could realign their property boundaries to increase the density of residential dwellings, while maintaining the integrity of the hills face.'*

This feedback is considered out of scope for this Amendment and has been provided to PlanSA for consideration.

# 5 Evaluation of Engagement

The Commission's approved engagement plan required post-consultation evaluation of the engagement process to ensure alignment with the principles of the Charter.

## 5.1 Performance Indicators

The following principles of the Charter were used to guide the post-consultation evaluation:

1. Engagement is genuine
2. Engagement is inclusive and respectful
3. Engagement is fit for purpose
4. Engagement is informed and transparent
5. Engagement is reviewed and improved

In addition, the Commission requested assessment against the following criteria:

6. Engagement occurs early
7. Engagement includes 'closing the loop'

## 5.2 Evaluation Results

All respondents who provided a written response were invited to complete an online survey between 7 October and 20 October 2021 (14 days).

Two of the 14 respondents (representing 14%) completed the survey with results presented in the following sections.

### Performance indicator 1: Engagement is genuine

Prior to the consultation, pre-engagement workshops with targeted stakeholders (councils and industry bodies) were undertaken to help inform the proposed Amendment.

The engagement was publicly promoted on two websites (PlanSA and YourSAy) and distributed directly to stakeholders at the beginning of the consultation process.

Enquiries during the consultation period were responded to in a timely manner by Departmental staff.

| **Evaluation statement** | **Survey results** | | | | |
|---|---|---|---|---|---|
| | **Strongly disagree** | **Somewhat Disagree** | **Neither agree nor disagree** | **Somewhat Agree** | **Strongly agree** |
| I feel the engagement on the Local Design Review Code Amendment (2021) genuinely sought my input to help determine if the proposed Amendment is suitable for adoption, or if changes should be made. | **0%** | **0%** | **0%** | **100%** | **0%** |

### Performance indicator 2: Engagement is inclusive and respectful

Everyone had the opportunity to provide feedback through multiple formats (online, email and post). ODASA staff responded to all enquiries during the engagement period.

This consultation was open for six weeks between 12 August and 27 September 2021. The timing of this engagement was planned to allow reasonable time between full implementation of the Planning and Design Code (19 March 2021) and this consultation period, and other initiated Amendments.

| Evaluation statement | Survey results | | | | |
|---|---|---|---|---|---|
| | Strongly disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Strongly agree |
| I am confident that my views on the Local Design Review Code Amendment (2021) have been heard as a result of the engagement. | **0%** | **0%** | **50%** | **50%** | **0%** |

### Performance indicator 3: Engagement is fit for purpose

The technical nature of the Amendment, the scope of the engagement and the opportunity for respondents to influence only the proposed Amendment were communicated.

| Evaluation statement | Survey results | | | | |
|---|---|---|---|---|---|
| | Strongly disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Strongly agree |
| I believe I was given sufficient information to take an informed view on the Local Design Review Code Amendment (2021). | **0%** | **0%** | **0%** | **50%** | **50%** |
| I agree that I was given an adequate opportunity to be heard. | **0%** | **0%** | **0%** | **50%** | **50%** |

### Performance indicator 4: Engagement is informed and transparent

This engagement built on extensive engagement activities already undertaken in relation to the Local Design Review Scheme, including:

- Pre-engagement meetings, workshops and reviews with council staff, industry representatives, the State Planning Commission and interstate government agencies with experience in Local Design Review (December 2019 – May 2020)
- Eight week public consultation on the draft Scheme (26 June – 21 August 2020), including information sessions and webinars
- Targeted engagement on the updated draft Scheme (January – February 2021)
- Pre-engagement workshops with councils and industry bodies to help inform the draft Amendment (June – July 2021).

Respondents were advised that their feedback would be summarised and published at the conclusion of the consultation period.

| Evaluation statement | Survey results | | | | |
|---|---|---|---|---|---|
| | Strongly disagree | Somewhat Disagree | Neither agree nor disagree | Somewhat Agree | Strongly agree |
| I felt informed about why I was being asked for my view on the Local Design Review Code Amendment (2021), and the way my views would be considered. | **0%** | **0%** | **0%** | **50%** | **50%** |

### Performance indicator 5: Engagement processes are reviewed and improved

In order to review and improve how we consult, the Commission (acting as the Designated Entity) invited respondents to complete the evaluation survey outlined in the above sections. Based on the results received, respondents felt the engagement was positive and did not reveal any areas for improvement.

### Performance indicator 6: Engagement occurs early

The engagement process for the proposed Amendment was undertaken at a time where feedback could genuinely influence the draft provisions that were proposed for inclusion in the Code.

Pre-consultation workshops were undertaken by Departmental staff with council staff and representatives from relevant industry bodies to help inform the draft provisions.

All South Australian councils and relevant industry bodies were formally notified when the proposed Amendment was initiated by the Commission and again when the consultation commenced.

### Performance indicator 7: Engagement includes ‘closing the loop’

The feedback received during this engagement is summarised in this Engagement Report.

All respondents and any other relevant stakeholders will be notified of the outcome of this engagement once the Amendment is adopted by the Minister.

# 6 Referral to the Minister for Planning and Local Government

On 11 November 2021, the Commission (as the Designated Entity) approved this report to be provided to the Minister for consideration and making a determination under section 73(10) of the Act in relation to the Local Design Review Code Amendment.

## 6.1 Recommended Amendment

Through early consultation and engagement on the proposed Amendment the Commissions recommends that the Minister adopt the following provisions into Part 5 of the Code, 'Table 2 – Specified matters and areas identified under the *Planning, Development and Infrastructure Act 2016*':

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(1) Development within the ambit of subclause (2) is specified as a class of development for the purposes of section 121(1) of the Act.

(2) Development that is—
   (a) within the area of a council that has determined to make design review available in its area by participating in the scheme determined by the Minister for the purposes of section 121 of the Act; and
   (b) a form of development that is, or has the potential to be, either performance assessed development or restricted development that is within a class of development that has been—
      i. selected by the council as a class of development for the purposes of this clause; and
      ii. specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.

(3) A council may from time to time vary the classes of development applying in its area under this clause by a further notice published by the Chief Executive on the SA planning portal at the request of the council.

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# Attachments

1 Summary of Written Submissions

2 Copy of Submissions Received

3 YourSAy Survey Response Report

## Attachment 1: Summary of Written Submissions

This is a summary of written submissions that were received in relation to the Local Design Review Code Amendment (the Amendment). The proposed Amendment was available for public comment for six-weeks from 12 August to 27 September 2021.

There were 14 written submissions made in relation to the proposed Amendment:

- nine from councils
- five from peak industry bodies within the planning, design and development sectors.

As outlined by the Commission in the Amendment documentation, feedback on the proposed Amendment could only influence the provisions that were proposed for inclusion in the Code.

Providing feedback on the proposed Amendment could not influence:

- instruments which are separate to the Code, such as the Act, regulations and the Local Design Review Scheme
- any further amendments to the Code other than that proposed in this consultation
- the Principles of Good Design as they appear in the Scheme and State Planning Policies.

It was appreciated that some respondents took the opportunity to provide feedback on matters that were out of scope of this consultation. To ensure that all feedback has been adequately considered, this report separates respondent feedback into two categories:

- Amendment feedback to consider
- General feedback to note

## Councils

| # | Respondent | Summary of feedback | Response |
|---|---|---|---|
| 1 | Alexandrina Council | **Amendment feedback to consider**<br><br>The Council made no comment in relation to the proposed Amendment. | Noted. |
| | | **General feedback to note**<br><br>The Council supports the concept of Local Design Review and believes 'that it will be a good mechanism to further enhance design standards and outcomes for our community'. | Noted. |
| 2 | Barossa Council | **Amendment feedback to consider**<br><br>The Council supported the proposed Amendment. | Noted. |
| | | **General feedback to note**<br><br>The Council 'sees the Local Design Review process as having the potential to assist in protecting the character and amenity of the Barossa Region'.<br><br>The Council provided the following comments:<br><br>• 'supports the proponent application fee being able to be waived in order to encourage participation'<br><br>• 'desire that the Local Design Review panel be viewed as a valuable step towards gaining development approval, rather than an additional assessment hurdle' | Noted. |
| 3 | City of Adelaide | **Amendment feedback to consider**<br><br>The Council made no comment in relation to the proposed Code Amendment, noting 'it will give effect to the Local Design Review Scheme but does not amend or add any additional policies'. | Noted. |
| | | **General feedback to note**<br><br>The Council 'understands the benefits of a consistent approach for the delivery of Local Design Review across the state'.<br><br>The Council noted its existing pre-lodgement service and expressed reluctance to participate in the Scheme.<br><br>The Council 'will be interested to learn how Local Design Review Schemes initiated in other council areas perform'. | Noted. |
| 4 | City of Norwood, Payneham and St Peters | **Amendment feedback to consider**<br><br>The Council made no comment in relation to the proposed Amendment. | Noted. |
| | | **General feedback to note**<br><br>The Council is 'supportive and appreciative of the intent of the Scheme, to improve design outcomes'.<br><br>The Council considers that their existing pre-lodgement service 'provides applicants with suitable opportunities to work through any design related issues'.<br><br>The Council stated it would not participate in the Scheme. | Noted. |

| # | Respondent | Summary of feedback | Response |
|---|---|---|---|
| 5 | City of Prospect | **Amendment feedback to consider**<br><br>The Council supported the intent of the Amendment.<br><br>The Council considers the proposed Amendment to 'appropriately recognise the very different issues that may arise between councils in Inner, Middle, Outer Metropolitan Adelaide, as well regional areas outside of Metropolitan Adelaide, and allows for each area to tailor the manner in which the Local Design Review Scheme responds to these issues'. | Noted. |
| | | **General feedback to note**<br><br>The Council provided the following comments:<br><br>• considered that the 'Local Design Review Scheme does not allow for developments that will benefit most from Design Review (i.e. developments in which the proponent does not volunteer to participate in Design Review) to participate in the Scheme'<br><br>• queried the method by which a council would specify the eligible classes of development if they do not intend to register as a Local Design Review Administrator<br><br>• expressed disappointment at the 'administrative burden and cost associated with participating in the Local Design Review Scheme' | In response to council's general feedback:<br><br>**Participation in Local Design Review**<br><br>The proposed Amendment enables councils to determine which classes of development would be eligible for Local Design Review in their area. Councils are encouraged to consider specifying the classes of development that will benefit most from Design Review.<br><br>Requiring proponents who do not volunteer to participate in Local Design Review is not supported under section 121(2) of the Act, which states that 'a person who is considering the undertaking of development to which this section applies may apply to a design panel for advice'. Mandatory Local Design Review is not currently being considered.<br><br>**Registration options under the Scheme**<br><br>A council wishing to specify eligible classes of development and not register as a Local Design Review Administrator will be considered a 'non-constituent council' under the Scheme. Non-constituent councils will undergo a modified registration process so their eligible classes of development can be published on the PlanSA portal.<br><br>**Other comments**<br><br>Other concerns raised have been noted. The assumed administrative burden may be resolved in practice with the provision of a user manual and training program for council staff and panel members. |
| 6 | City of Tea Tree Gully | **Amendment feedback to consider**<br><br>The Council acknowledged the purpose of the proposed Amendment and suggested a change to the wording.<br><br>The Council stated that 'eligible classes of development should be broad in order to encourage proponent uptake of the Scheme. From past experience operating a similar service, proponents often have not formed development concepts to know the exact height, density, development cost etc. At the local level, it is important to get design advice early as it is difficult to influence the design once the proposal is well progressed'.<br><br>Council believes that the current wording will require 'Council planning staff to undertake a quasi-verification to determine whether the development is performance-assessed or restricted, and is a class of development eligible for Design Review… It also presents a barrier to land owners and local developers if they are required to provide a greater level of detail in order to find out if their development is eligible, which in the end presents itself as an administrative burden and substandard customer service'.<br><br>Specifically, the Council recommends the wording in Clause 2(b) be changed from: *'a form of development that is— either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause'*.<br><br>Council recommends this clause include *'or has the potential to be a class of development'*. | This suggested change is supported as it aligns with the intent and principles of the Scheme.<br><br>The Amendment has been updated to reflect this suggestion. |

| # | Respondent | Summary of feedback | Response |
|---|---|---|---|
| | | **General feedback to note**<br><br>The Council may consider participating in the Scheme and establishing a design panel if the Scheme is refined to 'better suit the local context and the line of sight between the Principles of Good Design and the Planning and Design Code is better understood'. | Noted.<br><br>Feedback relating to the Code has been provided to PlanSA for consideration. |
| 7 | City of Victor Harbor | **Amendment feedback to consider**<br><br>The Council supports the proposed Amendment. | Noted |
| 8 | City of West Torrens | **Amendment feedback to consider**<br><br>The Council provided 'no objection' to the proposed Amendment.<br><br>The Council supported the list of development classes provided as guidance in Attachment B of the Code Amendment document. In particular, 'infill development can be seen to cause cumulative impacts on the amenity and streetscapes of West Torrens largely due to car parking, loss of trees and built form. All of these elements are likely to benefit from early input and collaboration between a Local Design Review panel and an applicant.' | Noted |
| 9 | Town of Gawler | **Amendment feedback to consider**<br><br>The Council 'does not wish to raise any concerns with the proposed Code Amendment'. | Noted |

## Industry bodies

| # | Respondent | Summary of feedback | Response |
|---|---|---|---|
| 10 | Australian Institute of Architects SA (AIA) | **Amendment feedback to consider**<br><br>The AIA supports the proposed Amendment and made specific reference to supporting:<br><br>• 'publication on the SA planning portal of the councils registered to provide Local Design Review'<br><br>• 'publication on the SA planning portal of the eligible classes of development for Local Design Review as nominated by each council'<br><br>• 'the ability of the council to review and update the classes of development that are subject to Local Design Review' | Noted. |
| | | **General feedback to note**<br><br>The AIA 'strongly supports the implementation of the Local Design Review Scheme, on the basis that it is the only effective mechanism for achieving improvements in design quality that currently exists in the SA planning system'.<br><br>The AIA also advocated for:<br><br>• 'inclusion of the areas in which Local Design Review is being provided and the classes of development it applies to in the data available on SAPPA'<br><br>• 'amendment to the PDI Act to require all councils to provide Local Design Review to provide consistency and equity of access to the Scheme'<br><br>• 'inclusion of all restricted development or performance assessed development as being subject to Local Design Review instead of restricting that Scheme to nominated classes of development' | Noted.<br><br>Feedback relating to the SA Property and Planning Atlas (SAPPA) and amending the Act has been provided to PlanSA for consideration. |

| # | Respondent | Summary of feedback | Response |
|---|---|---|---|
| 11 | Local Government Association of South Australia (LGA) | **Amendment feedback to consider**<br><br>The LGA acknowledged that the proposed Amendment is a 'technical mechanism to link the Local Design Review Scheme to the Code'.<br><br>The LGA noted that 'design services currently provided by councils do not generally restrict the type of development that is eligible for Design Review' and that 'councils often advise proponents if their proposal may benefit from specialist design advice'.<br><br>The LGA recommended 'that eligible classes of development should be broad in order to encourage proponent uptake of the Scheme'.<br><br>Specifically, the LGA recommended a change to the wording in Clause 2(b) from: *'a form of development that is— either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause'*.<br><br>The LGA recommends this clause include '*or has the potential to be a class of development*'.<br><br>The LGA reiterated the City of Tea Tree Gully's concern that the current wording will require Council staff 'to undertake a quasi-verification to determine whether the development is performance-assessed or restricted and is a class of development eligible for Design Review… It also presents a barrier to land owners and local developers if they are required to provide a greater level of detail in order to establish if their development is eligible, which in the end presents itself as an administrative burden and substandard customer service'. | This suggested change is supported as it aligns with the intent and principles of the Scheme.<br><br>The Amendment has been updated to reflect this suggestion. |
| | | **General feedback to note**<br><br>The LGA noted that 'small scale infill residential development often present the greatest design challenge to metropolitan councils and are seldom designed by qualified architects'.<br><br>The LGA raised the following concerns:<br><br>• the voluntary nature of the of the Scheme, 'noting that an amendment to the *Planning Development and Infrastructure Act 2016* (the Act) would be required to mandate forms of development being considered by the Scheme'<br><br>• the 'potential need for designated entities to be adequately indemnified or insured against actions taken and advice provided under the scheme'<br><br>• the 'Scheme is more administratively complex in comparison to local design services provided by a number of councils'<br><br>• the 'cost burden of the Scheme falls disproportionately upon councils'<br><br>• the 'importance of Design Policy in the Planning and Design Code'<br><br>• the connection between the Principles of Good Design and the Planning and Design Code | In response to the LGA's general feedback:<br><br>**Mandatory Local Design Review**<br><br>Mandatory Local Design Review is not currently being considered as it is not supported under section 121(2) of the Act, which states that 'a person who is considering the undertaking of development to which this section applies may apply to a design panel for advice'.<br><br>**Indemnity and insurance**<br><br>Designated entities (e.g. councils) are not responsible for the content of the design advice. The design panel members are responsible for providing design advice and the panel Chair is responsible for finalising it.<br><br>Section 121(8) of the Act states that 'no action may be brought against a member of a design panel on the basis of any advice or other action given or taken by a design panel under this section'. This is included in section 7.4.5 of the Scheme.<br><br>Councils may also consider using the mutual liability scheme if they believe further panel member liability protection is required.<br><br>**Other comments**<br><br>Other concerns raised have been noted. The assumed administrative complexity may be resolved in practice with the provision of a user manual and training program for council staff and panel members.<br><br>Concerns raised in relation to the Code have been provided to PlanSA for consideration. |

| # | Respondent | Summary of feedback | Response |
|---|---|---|---|
| 12 | Planning Institute of Australia SA (PIA) | **Amendment feedback to consider**<br><br>PIA supported the proposed Amendment.<br><br>PIA supported 'the concept that classes of development can be defined by relevant authorities and are of the view that when it comes to Design Review, which is a pre-application service, it is best to adopt a flexible approach'.<br><br>PIA noted the list of development classes provided in Attachment B of the Code Amendment document and its purpose as a guide for consultation purposes. Notwithstanding, PIA suggested a 'number of additional classes, zones and overlays that should be included in any published material':<br><br>• development 'that may have an adverse impact on the landscape or neighbourhood character' in the rural zone, design overlay, heritage adjacency overlay and character preservation district overlay<br><br>• land divisions are 'only referred to Design Review when they are large-scale, contain obvious errors and are within new growth areas'. PIA emphasised 'if large-scale land divisions are referred to a panel that the panel contain expert urban designers who have experience in designing complex land divisions' | Noted. |
| | | **General feedback to note**<br><br>PIA provided the following comments:<br><br>• that Design Review 'is part of the suite of advice that applicants can undertake to ensure that development applications are assessment ready. It is as important as obtaining advice building surveyors, engineers or ecologists prior to finalising a development application'<br><br>• support the 'Scheme's intent to provide a process where planners can also be involved in understanding the evolution of the design process in order to gain additional assessment skills and a full understanding of what constitutes a site responsive design outcome'<br><br>• 'it is important that the framework for providing advice is succinct, consistent, timely and given by a range of experts in the design industry'<br><br>• 'Design Review does not have to equal additional cost and in some cases we understand could result in greater efficiencies as a result of expert advice'<br><br>• 'the costs of the scheme, which includes training is not unreasonable in our view and is a worthy investment which should result in tangible improvements in both a regional and urban context'<br><br>• 'supports the use of Design Review as a mechanism to provide more detailed guidance than the current Planning and Design Code can offer as a broad policy framework with standardised zones and overlays' | Noted. |
| 13 | Property Council of Australia SA (PCA) | **Amendment feedback to consider**<br><br>The PCA did not indicate whether or not it supported the proposed Amendment but acknowledged that the proposed Amendment would enable the eligible classes of development to be determined by individual councils.<br><br>The PCA raised concerns regarding the list of development classes provided in Attachment B of the Amendment document, stating that it was 'too extensive and includes classes of development which are either very minor … or simply inappropriate for Design Review'. | The list of eligible development classes provided in Attachment B of the proposed Amendment document was included as guidance only. This list was prepared in consultation with representatives from councils and industry bodies, including the PCA. |

| # | Respondent | Summary of feedback | Response |
|---|---|---|---|
| | | **General feedback to note**<br><br>The PCA is 'in no way convinced that the current policies or statutory and administrative mechanisms intended to achieve high-quality design in development are effective or efficient'.<br><br>The PCA provided the following comments:<br><br>• concern around the qualifications and experience of design panel members and the potential for 'substituting their own design aspirations for those of the project designer, with no net improvement'<br><br>• concern regarding single person design panels, with a preference for a minimum of three panel members<br><br>• a formal process for the review of local design matters is not required, noting that some councils currently operate their own similar process<br><br>• concern that formalising the process will create an expectation for applicants to participate and 'that choosing not to participate in the Local Design Review process may negatively influence the outcome of an application lodged with a local authority for assessment'<br><br>• concern that the process will have 'little to no beneficial effect on design quality and will merely delay the assessment process and add cost' | In response to the PCA's general feedback:<br><br>A number of the concerns raised were discussed at a meeting between PCA representatives and ODASA staff on 23 September 2021.<br><br>Feedback relating to the policies or statutory and administrative mechanisms intended to achieve design quality is noted and has been provided to PlanSA for consideration.<br><br>**Design panel experience and composition**<br><br>All design panel members must meet the selection criteria outlined in section 2.5 of the Scheme. Panel members must also complete an induction and training program prior to undertaking design review as required by section 2.7 of the Scheme.<br><br>In addition, section 6.1 of the Scheme requires design panel members to complete the design advice in a template that will be structured around the Principles of Good Design. This will ensure the advice is accessible and objective.<br><br>Single person design panels were enabled under the Scheme to reflect existing design advisory services offered by some councils, where in most cases one design expert provides design advice to proponents.<br><br>Single-person design panels may also enable a more cost-effective way of providing Local Design Review in certain circumstances. For example, where a multi-person panel may not be feasible or available. Rather than prohibit Local Design Review from occurring in such circumstances, a suitably qualified and experienced design expert who is trained under the Scheme and using the design advice template may still successfully provide Local Design Review.<br><br>The effectiveness of single-person design panels will be monitored over time.<br><br>The preference for three-person panels is noted.<br><br>**Formalised process**<br><br>The formalised Scheme provides for consistency in administration, selection of suitable panel members, training of council staff and panel members, design advice format and the complaints process across all participating council areas. This will provide proponents with a consistent and high-quality customer experience across the state that can be improved over time.<br><br>**Participation in Local Design Review**<br><br>Participating in Local Design Review is voluntary. If an eligible proponent chooses not to participate, no pre-lodgement design advice will be generated for the proponent or relevant authority.<br><br>**Other comments**<br><br>Other concerns have been noted. |
| 14 | Urban Development Institute of Australia SA (UDIA) | The UDIA requested that their full submission remain private and confidential.<br><br>**Amendment feedback to consider**<br><br>The UDIA does not support the proposed Amendment 'that would potentially see it [Local Design Review] used for such a wide class of developments'.<br><br>The UDIA raised concerns regarding the list of development classes provided in Attachment B of the Amendment document. | Noted.<br><br>The list of eligible development classes provided in Attachment B of the proposed Amendment document was included as guidance only. This list was prepared in consultation with representatives from councils and industry bodies, including the UDIA. |

| # | Respondent | Summary of feedback | Response |
|---|---|---|---|
| | | **General feedback to note**<br><br>The following provides a summary of concerns raised by the UDIA:<br><br>• uncertainty regarding the purpose of the Scheme<br>• inconsistent eligible classes of development between councils<br>• unnecessary development types may be captured<br>• the voluntary Scheme will become an expected process<br>• the Scheme may stifle design innovation<br>• balancing high-quality design and affordability<br>• that Local Design Review will not meaningfully influence infill development outcomes<br>• adding costs and delays<br>• skills and experience of panel members and how they may be reviewed<br>• when proponents find out the cost to participate in Local Design Review<br>• who determines the size of a design panel for a development (how many panel members)<br>• that the design advice must be considered if a proponent does not agree with it<br>• design advice becoming redundant as a development proposal evolves<br>• complaints process regarding panel members | In response to the UDIA's general feedback:<br><br>A number of concerns raised were discussed at a meeting between UDIA representatives and ODASA staff on 16 September 2021.<br><br>**Purpose of the Scheme**<br><br>The purpose of the Scheme is outlined in section 1.5 of the Scheme and includes:<br><br>• supporting high-quality design<br>• improving access to independent and expert advice early in the planning and design process<br>• supporting consistent and informed planning decisions<br>• facilitating collaboration between allied professionals<br>• supporting the State's planning system to meet objects and principles in the Act<br><br>**Eligible classes of development**<br><br>Feedback received during development of the Local Design Review Scheme highlighted the varying and nuanced planning and design challenges and opportunities experienced between councils across the state. These range from inner, middle and outer metropolitan areas to regional and environmentally unique areas.<br><br>The proposed Amendment acknowledges these differences and allows for participating councils to identify which classes of development may benefit from review by independent design experts. Councils are encouraged to consult with their communities when determining the eligible classes of development.<br><br>While this approach may result in eligible classes of development varying between participating council areas, the Scheme provides for a consistent and high-quality customer experience for proponents across the state by introducing panel member selection criteria and training requirements and a standardised design advice template based on the objective Principles of Good Design.<br><br>**Mandatory Local Design Review**<br><br>Mandatory Local Design Review is not currently being considered as it is not supported under section 121(2) of the Act, which states that 'a person who is considering the undertaking of development to which this section applies may apply to a design panel for advice'.<br><br>**Participation in Local Design Review**<br><br>Participating in Local Design Review is voluntary. If an eligible proponent chooses not to participate, no pre-lodgement design advice will be generated for the proponent or relevant authority.<br><br>**General comments**<br><br>Several operational concerns, including when the cost will be communicated, size of panels, design advice and complaints procedures may be resolved in practice with the provision of a user manual and training program.<br><br>Other concerns have been noted. |

## Attachment 2: Copy of Written Submissions

Written submission 1

**From:** Sally Roberts
**To:** DIT:Local Design Review
**Subject:** Local Design Review Code Amendment
**Date:** Friday, 24 September 2021 4:07:16 PM
**Attachments:** image002.png
image003.png

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Hi Brad

Further to the Local Design Review Code Amendment that is currently on consultation I wish to advise that Council has no comment to make on the proposed amendment.

The concept of Local Design Review is supported and believe that it will be a good mechanism to further enhance design standards and outcomes for our community.

Kind regards
Sally

**Sally Roberts**
Manager Strategic Development
Alexandrina Council

Phone: [redacted]
Fax: [redacted]
Email: [redacted]
Website: www.alexandrina.sa.gov.au
Consultation: mysay.alexandrina.sa.gov.au

[redacted]




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Written submission 2

Reference: 21/73311

24 September 2021

Mr Brad McCormack
C/- Office for Design and Architecture SA
Level 1, 28 Leigh Street
ADELAIDE SA 5000

By email: LocalDesignReview@sa.gov.au

Dear Mr McCormack,

**LOCAL DESIGN REVIEW CODE AMENDMENT - COMMENTS FROM THE BAROSSA COUNCIL**

Thank you for the opportunity to provide comment on the Local Design Review Code Amendment. Council considered this matter at its Council Meeting on 21 September 2021 and resolved:

*"That Council:*

*(1) Receive and note the Local Design Review Code Amendment as at Attachment 1;*
*(2) Authorise the Chief Executive Officer or his delegate to finalise a submission and for this to be submitted to the State Planning Commission by Monday 27 September 2021"*

Council provides the following comments on the Code Amendment:

a) supports the Code Amendment in order to facilitate the design review scheme
b) sees the Local Design Review process as having the potential to assist in protecting the character and amenity of the Barossa Region
c) supports the proponent application fee being able to be waived in order to encourage participation
d) desire that the Local Design Review Panel be viewed as a valuable step towards gaining Development Approval rather than an additional assessment hurdle.

We look forward to ongoing engagement with ODASA, the State Planning Commission and departmental staff regarding the development and establishment of Local Design Review Panels.

Regarding the submission content, please contact me, or Janine Lennon – Acting Manager Development Services.

Yours sincerely,

Gary Mavrinac
**Director Development and Environmental Services**




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ABN 20 903 762 572

Enquiries: Amanda McConnell
Reference: ACC2021/128079

27 September 2021

Attention: Brad McCormack
Office for Design and Architecture
Level 1, 28 Leigh Street
ADELAIDE SA 5000

Dear Mr McCormack

**Local Design Review Code Amendment**

Thank you for providing the City of Adelaide with the opportunity to offer feedback on the Local Design Review Code Amendment which seeks to amend the Planning and Design Code to give effect of the Local Design Review Scheme.

The City of Adelaide values high quality design outcomes and understands the benefits of a consistent approach for the delivery of Local Design Review across the state. At a local government level, we desire the same outcomes and share an equal commitment to achieving design excellence in the City of Adelaide.

The City of Adelaide does not have any comments to make on the Code Amendment, noting it will give effect to the Local Design Review Scheme but does not amend or add any additional policies.

**Local Design Review Scheme**

The Local Design Review Scheme was finalised and released in March 2021. Council staff have taken the time to review the scheme and met with ODASA staff to discuss. Following this review, the City of Adelaide has made the decision it will not participate in the Local Design Review Scheme at this time.

The City of Adelaide desires good design outcomes and shares an equal commitment to achieve design excellence in the City of Adelaide. The City of Adelaide is fortunate to have extensive professional skill sets in house – Planning, Architecture, Heritage Architecture, Landscape Architecture, Lighting, Design, Urban Design, Waste Management, Traffic Planning & Design, Parking and Sustainability. With this skill set available in-house, Council provides pre-lodgment advice and recommendations, and/or formal commentary and recommendations on development applications as a free-of-charge service. The expertise across many disciplines is also enlisted to provide advice to SCAP on Schedule 6 applications.

Council outlined further feedback, observations, opportunities, and constraints on the Local Design Review Scheme in a letter to ODASA dated 20 August 2020, during early consultation. Some of these comments are still relevant since the release of the Local Design Review Scheme. The City of Adelaide is reluctant to invest and outlay resources in a scheme which may not be well utilised, given the opt-in nature for the applicant which also requires they pay a fee.

CITY OF ADELAIDE

Although the City of Adelaide will not participate in the Local Design Review Scheme at this time, we will be interested to learn how Local Design Review Schemes initiated in other Council areas perform.

Thank you again for the opportunity to provide feedback on the Local Design Review Amendment.

Kind regards



Steve Zaluski
Associate Director, Regulatory Services

Written submission 4

File Number: qA63063
Enquiries To: Emily McLuskey
[redacted]

22 September 2021

Mr Brad McCormack
Senior Planning and Design Officer
Office for Design and Architecture SA
Attorney-General's Department

Via email: LocalDesignReview@sa.gov.au

Dear Mr McCormack

**LOCAL DESIGN REVIEW SCHEME**

I refer to the *Local Design Review Scheme* for South Australia.

At its meeting held on 6 September 2021, the Council considered the proposed *Local Design Review Scheme Code Amendment* and its participation in the Scheme and resolved the following:

1. *That the Council not participate in the Local Design Review, and the Attorney-General's Department be advised of this decision.*

2. *That Council not lodge a submission in relation to the Local Design Review Code Amendment.*

The Council is supportive and appreciative of the intent of the Scheme, to improve design outcomes, but considers that the Council's existing free *Pre-Lodgement and Heritage Advisory Services*, combined with the experience and expertise of our experienced planning staff, provides applicants with suitable opportunities to work through any design related issues, prior to the formal lodgement of a Development Application. The Council's current services are also expected to be more accessible and efficient in respect to time and resources, while providing a greater level of flexibility for applicants.

Should you require any further information, please contact the Council's Senior Urban Planner, Emily McLuskey, on [redacted] or [redacted]

Thank you for the opportunity to consider the Council participation in this initiative. It is very much appreciated.

Yours sincerely

Mario Barone PSM
**CHIEF EXECUTIVE OFFICER**

cc: PlanSA@sa.gov.au

City of Norwood Payneham & St Peters

CHIEF EXECUTIVE'S OFFICE

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www.prospect.sa.gov.au

27 September 2021

Brad McCormack
Office for Design and Architecture SA
(Via online submission form)

Dear Brad,

**Submission – Local Design Review Code Amendment**

Thank you for the opportunity to provide comment in relation to this Code Amendment.

Having reviewed the Code Amendment documents, I provide the following comments and concerns regarding the proposed Code Amendment on behalf of City of Prospect:

- City of Prospect supports the intent of the Code Amendment in principle, which would allow for any Council participating in the Local Design Review Scheme (LDRS) to determine which classes of development should be eligible for design review within its own Council area.

  This is considered to appropriately recognise the very different issues that may arise between Councils in Inner, Middle and Outer Metropolitan Adelaide, as well as regional areas outside of Metropolitan Adelaide, and allows for each area to tailor the manner in which the LDRS responds to these issues (through varied eligibility).

- The explanatory notes within the Code Amendment advise that Councils will specify their eligible classes of development at the time that the apply for registration to the Chief Executive of the Attorney-General's Department under Section 2.3 of the LDRS.

  It is noted that Section 2.3 of the LDRS does not require all participating Councils to apply for registration to the Chief Executive. Section 2.3 provides that a Council may participate in the LDRS if it has determined to do so under Section 2.2, and may then apply to the Chief Executive if it wishes to be a Local Design Review Administrator (i.e. if the Council wishes to form its own design panel and/or panel member pool).

  If a Council intends to participate in the LDRS but does not intend to register as a Local Design Review Administrator, the method by which the Council would specify the eligible classes of development for its area are unclear. These mechanics should be resolved

(including if necessary by amendment to the LDRS) so as to ensure that the intent of the Code Amendment can be achieved in practice.

- City of Prospect remains disappointed that the LDRS is unlikely to be taken up by Councils due to the administrative burden and cost associated with participating in the LDRS. It is also considered that the LDRS does not allow for developments that will benefit most from design review (i.e. developments in which the proponent does not volunteer to participate in design review) to participate in the scheme.

  In this respect the LDRS is considered to be a significant lost opportunity in the new planning system. City of Prospect hopes that future reviews of the LDRS will address these issues, allowing more development proposals within South Australia to access design review to achieve an improved level of design quality in future developments with resultant community benefits.

Yours sincerely



**Scott McLuskey**
Assessment Manager / Manager Development Services

Written submission 6

CITY OF TEA TREE GULLY 571 Montague Rd, Modbury SA 5092
T (08) 8397 7444 W cttg.sa.gov.au S fb.com/teatreegullycouncil ABN 69 488 562 969

CITY OF TEA TREE GULLY
*Naturally Better*

Ms Kirsteen Mackay
c/- ODASA Consultation
28 Leigh Street
ADELAIDE SA 5000

27 September 2021
Our ref: D21/72632

Via Plan SA online feedback form.

Dear Ms Mackay,

**Local Design Review Code Amendment – Consultation**

Thank you for the opportunity to provide feedback on the Local Design Review Code Amendment released for public consultation 12 August 2021 – 27 September 2021.

At its meeting on 14 September 2021, Council considered the provisions proposed to be included in the Planning and Design Code (the Code), which form the Code Amendment. It is understood that the provisions simply act as a technical mechanism to link the Local Design Review Scheme to the Code, insofar as any council that offers the Scheme in its area will have eligible classes of development published in the Code.

It is also understood that the precise classes of development will be decided upon when a council registers for the Scheme, so the City of Tea Tree Gully will be have the opportunity to nominate its eligible classes of development if it decides to adopt the Scheme.

With the aforementioned considerations mind, Council make the following comments in response to the Code Amendment public consultation:

1. Council acknowledges the proposed Local Design Review Code Amendment and appreciates the opportunity to provide feedback.

2. Referring to clause 2 *(b) "a form of development that is— either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause;"*

   Eligible classes of development should be broad in order to encourage proponent uptake of the Scheme. From past experience operating a similar service, proponents often have not formed development concepts to know the exact height, density, development cost etc. At the local level, it is important to get design advice early, as

it is difficult to influence the design once the proposal is well progressed. The wording in Clause 2(b) could be amended to include “or has the potential to be a class of development” to capture developments that might be on the cusp of one of the parameters.

3. In addition, Clause 2(b) requires Council planning staff to undertake a quasi-verification to determine whether the development is performance-assessed or restricted, and is a class of development eligible for design review. Again, if the concept is not fully formed, there may not be sufficient detail to make this determination. It also presents a barrier to landowners and local developers if they are required to provide a greater level of detail in order to find out if their development is eligible, which in the end presents itself as an administrative burden and substandard customer service.

4. It is crucial that the Principles of Good Design are outlined in the Scheme and the advice given to proponents are also contained within the policies in the Code. Development Assessment planners will have no power to ask the applicant to amend their plans to reflect the design review advice if the design principles are not backed up in the Code, and at this stage, it is unclear whether all principles are applicable to the typical classes of developments that may be eligible for design review.

5. Council will not be registering to establish a design panel under the Local Design Review Scheme at this point in time, but may consider doing so in the future should the Scheme be refined to better suit the local context and the line of sight between the Principles of Good Design and the Planning and Design Code is better understood.

Should you have any questions about the content of this letter, please contact Cherie Gill, Senior Strategy Planner, on [redacted] or [redacted]

Yours sincerely



John Moyle
**Chief Executive Officer**

Written submission 7

**From:** Graham Pathuis
**To:** DIT:Local Design Review
**Subject:** OREC15114521 - DC3.3.006 - City of Victor Harbor Submission - Local Design Review Code Amendment
**Date:** Monday, 27 September 2021 9:03:50 PM

Dear Brad

Thank you for the time you spent responding by phone and email to our enquiries with regard to the Local Design Review Scheme Code Amendment.

The City of Victor Harbor Council formally considered the matter at a Council Meeting held 27 September 2021. I am pleased to advise that Council resolved as follows:

*That Council make a submission to the State Planning Commission in support of the Local Design Review Code Amendment to give effect to the Local Design Review Scheme.*

Please accept this as our submission, and Council looks forward to upcoming opportunities to consider its participation in the Scheme.

Regards,

**Graham Pathuis** | Director, Community and Development

**City of Victor Harbor**
1 Bay Road, Victor Harbor SA 5211

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Email: localgov@victor.sa.gov.au
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https://www.victor.sa.gov.au/SignatureImages/email_sig.jpg

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Written submission 8

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**Web:** westtorrens.sa.gov.au

City of **West Torrens**
Between the **City and the Sea**

28 September 2021

Attention: Brad McCormack
Officer for Design and Architecture SA
Level 1, 28 Leigh St
Adelaide SA 5000

Dear Mr McCormack,

**RE: Feedback on the Local Design Review Code Amendment**

Thank you for providing Council with the opportunity to review the proposed Code amendment which seeks to input new content within the Planning and Design Code (Code) to specify classes of development eligible for design review. Council provides no objection to the inclusion of the proposed wording that has been consulted on to be included in Part 5: Specified matters and areas identified under the Act and Regulations of the Code.

Of interest to Council was the classes of development which may be eligible for design review. It is understood that these were listed for guidance only, but from a West Torrens perspective, the classes of development listed under all locations and for the Urban Corridor Zones are of particular interest. In particular, infill development can be seen to cause cumulative impacts on the amenity and streetscapes of West Torrens largely due to car parking, loss of trees and built form. All of these elements are likely to benefit from early input and collaboration between a local design review panel and an applicant.

At this stage, West Torrens is undecided on whether it will register and offer local design review within the area, however, did want to confirm support for the classes of development highlighted.

Should you require further information or would like to discuss this matter, please contact Sue Curran, Manager Strategy and Business on [redacted] or [redacted]

Yours sincerely

Terry Buss

**Terry Buss PSM**

**Chief Executive Officer**

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Gawler

Contact: Ryan Viney

Ref: KR:jl
CC21/1077

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01/10/2021

Ms. Helen Dyer
Chair State Planning Commission
GPO BOX 1815
Adelaide SA 5001

Dear Ms. Dyer

**Re: Local Design Review Code Amendment – Town of Gawler Submission**

The Town of Gawler wishes to thank the State Planning Commission for the opportunity to provide feedback on its review of the Local Design Review Code Amendment. We also appreciate the extension of time to provide this feedback, as discussed with Brad McCormack of ODASA on 12/08/2021.

Having reviewed the proposed changes to Part 5 of the Planning and Design Code as outlined in the Local Design Review Code Amendment, the Town of Gawler does not wish to raise any concerns with the proposed Code Amendment.

The Town of Gawler is in the process of undertaking investigations into the feasibility of establishing a Local Design Review Panel for our Council area. We look forward to working with the Commission to determine which classes of development would be eligible for review should Design Review be implemented within the Town of Gawler.

Yours faithfully

KRed

Karen Redman
Mayor

Direct line [redacted]
Email: mayor@gawler.sa.gov.au

Written submission 10

Australian Institute of Architects

ABN 72 000 023 012
The Royal Australian Institute of Architects
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20 September 2021

**Attn: Brad McCormack**
Office for Design and Architecture SA
Level 1, 28 Leigh Street
Adelaide SA 5000

**Response to the proposed Local Design Review Code Amendment**

The Australian Institute of Architects (SA Chapter) is pleased to be able to provide a response to the proposed Local Design Review Code Amendment.

The Institute strongly supports the implementation of the Local Design Review Scheme, on the basis that it is the only effective mechanism for achieving improvements in design quality that currently exists in the SA planning system. It provides a mechanism for applications to be assessed by architects, who as expert design professionals have the capability to provide a high level of expertise to the review process.

- Publication on the SA Planning Portal of the Councils registered to provide Local Design Review is supported.
- Publication on the SA Planning Portal of the eligible classes of development for Local Design Review as nominated by each Council is supported.
- The ability of the Council to review and update the classes of development that are subject to Local Design Review is supported.

While the Institute supports the proposed Code Amendment it also advocates for the following:

- Inclusion of the areas in which Local Design Review is being provided and the classes of development that it applies to in the data available on SAPPA. This will make the availability of the Scheme more easily understood until such time as it is available in all jurisdictions.
- Amendment to the PDI Act to require all Councils to provide Local Design Review to provide consistency and equity of access to the Scheme.

Australian Institute of Architects

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- Inclusion of all restricted development or performance assessed development as being subject to Local Design Review instead of restricting the Scheme to nominated classes of development.

Design quality provides benefit to all classes of development through improved amenity, environmental performance, inclusivity, functionality, durability and response to context. This in turn provides benefit to occupants and the wider community. It is for these reasons that the Institute supports the Local Design Review and would like to see it implemented in a consistent and equitable manner across the State.

Yours sincerely

**Nicolette Di Lernia**



Executive Director SA
Australian Institute of Architects

Office of the President
Local Government Association
of South Australia



*In reply please quote our reference:* ECM 766936 SPS/MD

24 September 2021

Office for Design and Architecture SA
Level 1, 28 Leigh Street
ADELAIDE SA 5000
Attention: Brad McCormack
**Email:** [redacted]

Dear Sir

**Local Design Review Code Amendment – LGA Public Consultation Response**

The Local Government Associations of South Australia (LGA) is pleased to provide the following submission on behalf of its members in response to the Local Design Review Code Amendment (the Code Amendment) which is currently on public consultation.

The LGA has previously provided two submissions in relation to the preparation of the Local Design Review Scheme (the scheme).

The LGA's August 2020 Submission on the first publicly released draft of the Scheme expressed agreement with many of the Office for Design and Architecture South Australia's (ODASA's) stated objectives (and perceived benefits) of the scheme, but also argued that the draft scheme was overly bureaucratic, unlikely to have a positive impact, could be easily ignored by both developers and assessment authorities, and was likely to have limited positive impact on good design outcomes.

Based on this assessment, the LGA recommended the following major amendments to the scheme:

1. The Principles of Good Design should be embedded both within the scheme and the Planning and Design Code.
2. The scheme must operate both pre- and post-application lodgement.
3. Councils must have the discretion to determine which applications will undertake the design review process.

The submission also expressed significant concern that much of the cost burden of the scheme, especially initial establishment costs, fall disproportionately upon councils, rather than the South Australian Government.

Many of the concerns outlined in the LGA's August 2020 Submission were not fully addressed when the final scheme was adopted by the Minister for Planning, these outstanding concerns included:

1. The voluntary nature of the of the scheme, noting that an amendment to the *Planning Development and Infrastructure Act 2016* (the Act) would be required to mandate forms of development being considered by the Scheme.

2. The cost burden of the scheme falls disproportionately upon councils. In addition, the emphasises that development proponent participation in the scheme may be encouraged by councils not seeking full reimbursement of their incurred costs. Having established this cost structure, there are no suggested method by which councils may recuperate their incurred costs.
3. The updated draft scheme has not addressed the LGA's concerns about the potential need for designated entities to be adequately indemnified or insured against actions taken and advice provided under the scheme
4. The importance of Design Policy in the Planning and Design Code has not been clearly articulated within the policies in the Planning and Design Code.
5. The Scheme is more administratively complex in comparison to local design services provided by a number of councils and apart from the desire to have a consistent and centrally managed scheme, there is no reason why councils cannot keep offering its own service to local residents and developers.

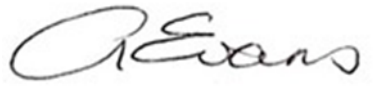
In relation to the Code Amendment the following comments are provided:

1. The wording of the provisions proposed to be included in the Planning and Design Code (the Code) are generic and simply act as a technical mechanism to link the Local Design Review Scheme to the Code, insofar as any council that offers the scheme will have classes of development that are eligible for design review published in the Code.
2. Design services currently provided by councils do not generally restrict the type of development that is eligible for design review. Councils often advise proponents if their proposal may benefit from specialist design advice. Small scale infill residential development often present the greatest design challenge to metropolitan councils and are seldom designed by qualified architects. It is therefore recommended that eligible classes of development should be broad in order to encourage proponent uptake of the scheme. Councils operating a similar service have advised that, proponents often have not formed development concepts to know the exact height, density, development cost etc. The wording in Clause 2(b) could be amended to include "*or has the potential to be a class of development" to capture developments that might be on the cusp of one of the parameters".*
3. Clause 2(b) requires Assessment Managers to undertake a quasi-verification to determine whether the development is performance-assessed or restricted and is a class of development eligible for design review. If the concept is not fully formed, there may be insufficient detail to make this determination. It also presents a barrier to landowners and local developers if they are required to provide a greater level of detail in order to establish if their development is eligible, which in the end presents itself as an administrative burden and substandard customer service.
4. The Principles of Good Design outlined in the Scheme and the advice given to proponents should also be clearly articulated within the policies in the Code. Assessment Managers will have no power to ask the applicant to amend their plans to reflect the design review advice if the design principles are not supported in the Code. At this stage, it is unclear whether all principles are applicable to the typical classes of developments that may be eligible for design review.

It is the LGA's current understanding that due to the current scheme arrangements (bureaucratic nature of the scheme and cost burden on councils) and the voluntary participation requirements of the scheme as established under the Act, there is likely to be minimal participation by councils in the scheme.

The LGA would recommend that the Minister gives further consideration to the structure of the scheme to encourage greater participation by councils in establishing Local Design Review Panels and applicants in submitting proposals for the panel's consideration.

Yours sincerely



Mayor Angela Evans
**President**
*Telephone:* [redacted]
*Email:* [redacted]

8 October 2021

Ms Kirsteen Mackay
Government Architect
ODASA Consultation
28 Leigh Street
Adelaide SA 5000

Dear Ms Mackay

**Local Design Review Code Amendment**

The Planning Institute of Australia SA (PIA) would like to thank ODASA for the opportunity to provide feedback on the Draft Local Design Review Code Amendment within our State's new planning system under the Planning, Development and Infrastructure Act 2016 ("the PDI Act").

PIA supports the inclusion of a formal design review mechanism which is available to all Council areas within South Australia. We commend ODASA for the considerable efforts that have been undertaken to ensure that the structure of the Scheme is consistent with the intent under the PDI Act.

We are supportive of the concept that Classes of development can be defined by Relevant Authorities and are of the view that when it comes to design review, which is a pre-application service, it is best to adopt a flexible approach.

It is understood that design review, as an opt in, is part of the suite of advice that applicants can undertake to ensure that development applications are assessment ready. It is as important as obtaining advice from building surveyors, engineers or ecologists prior to finalising a development application.

We support the scheme's intent to provide a process where planners can also be involved in understanding the evolution of the design process in order to gain additional assessment skills and a full understanding of what constitutes a site responsive design outcome.

PIA also understands that design matters, much like planning, can sometimes be seen as ambiguous and uncertain and it is important that the framework for providing advice is succinct, consistent, timely and given by a range of experts in the design industry; which includes Urban Designers, Landscape Architects and Architects.


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Design review does not have to equal additional cost and in some cases we understand could result in greater efficiencies as a result of expert advice. The costs of the scheme, which includes training is not unreasonable in our view and is a worthy investment which should result in tangible improvements in both a regional and urban context.

PIA also supports the use of design review as a mechanism to provide more detailed guidance than the current Planning & Design Code can offer as a broad policy framework with standardised zones and overlays. Allowing Council's to prescribe a class of development that relates to a potential disconnect with the prevailing neighbourhood character, as an example, goes some way to ensuring that rigorous assessment with relevant experts has occurred. This could provide communities, representors and assessment panel members with some assurance that the design components of a development have been well considered by design professionals as part of an application.

It is our view, that in determining classes of development that Council's consider only relevant forms of development that require additional input and avoid listing classes of development that could be seen as trivial.

We note that the list of classes of development within Appendix B is not exhaustive and is intended as a guide, however there are a number of additional classes, zones and overlays that should be included in any published material.

It is our advice that land divisions as an example are only referred to design review when they are large scale, contain obvious errors and are within new growth areas. It is also important that if large land divisions are referred to a panel that the panel contain expert urban designers who have experience in designing complex land divisions.

We also advise, as a minimum, that the Rural Zone, Design Overlay, Heritage Adjacency, Character Preservation District Overlay's be included in any guide, and which include classes of development that may have an adverse impact on the landscape or neighbourhood character. I.e. multi-story buildings on ridgeline in a significant landscape and multi-story apartments on sites where the prevailing height is distinctly different.

We acknowledge that the scheme will evolve with implementation and testing and as such PIA is happy to continue to work with ODASA on any future refinements of the Scheme.

Please feel free to contact the undersigned if any further comment is sought via sa@planning.org.au.

Yours sincerely



Elinor Walker
PRESIDENT – SA DIVISION

Written submission 13

Property Council of Australia
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Australia's property industry
**Creating for Generations**

06 October 2021

Brad McCormack
Office for Design and Architecture SA
Level 1, 28 Leigh Street
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*By Email:* [redacted] & *LocalDesignReview@sa.gov.au*

## Local Design Review Code Amendment

Dear Brad,

I refer to the draft Local Design Review Code Amendment (Code Amendment) prepared by ODASA which seeks to amend the Planning and Design Code to give effect to the Local Design Review Scheme (Scheme).

Firstly, I take this opportunity to thank you for taking the time to meet with members of the Property Council's Planning Sub-Committee to discuss the proposed Code Amendment. I understand that the discussion was very constructive and provided further insight and clarity into the nature of proposed Code Amendment.

On behalf of the Property Council of Australia, the following feedback is provided in relation to the proposed Code Amendment, and the Scheme more generally.

The PCA is an advocate of high-quality design, however we are in no way convinced that the current policies or statutory and administrative mechanisms intended to achieve high quality design in development are effective or efficient.

Looking particularly at the Scheme and the Code Amendment, we make the following comments:

- We feel it is unnecessary to formalise the design review process via an amendment to the Planning and Design Code. We note that the existing Design Review service offered by ODASA while established and facilitated by the PDI Act, it is not mandatory. Similarly, several Councils (including the City of Prospect and the City of Tea Tree Gully) operate their own internal review process on design related matters and have been doing so for some time without a formal design review process in place. These established processes are testament to the fact that formal process for the review of local design matters is not required.

- Whilst we acknowledge that participation in the Design Review process will be voluntary, we are concerned that formalising the process via a Code Amendment will create an expectation for applicant participation and that choosing not to participate in the local design review process may negatively influence the outcome of an application lodged with a local authority for assessment.

- We understand that the classes of development which may be considered by Local Design Review Panels will be determined by individual Councils, in consultation with ODASA. However, Attachment B appended to the Code Amendment Consultation Document includes examples of various types of development which may be considered by the Local Design Review Panel. We understand that the types of development listed were identified by local authorities during the consultation process. Accordingly, the list provides an indication of the types of development local authorities intend to nominate for consideration via Local Design Review process.

  In our opinion the list of potential developments identified within Attachment B is too extensive and includes classes of development which are either very minor (e.g. the construction of 3 or more dwellings) or simply inappropriate for design review (e.g. the division of land for residential purposes creating two or more additional allotments).

- Section 2.4 of the Local Design Review Scheme outlines the membership composition of the Design Review Panel, and states that the designated entity may establish a panel comprising one member. Notwithstanding our previous comments, if Design Review Panels are to be established, we believe Panels should comprise a minimum of three members. Noting the subjective nature of design related matters, a panel consisting of multiple members is more likely to lead to robust discussion on design related matters and may lead to better design outcomes.

- Critical to the success of any Scheme is the availability of suitably qualified and experienced design professionals with the humility and temperament for the task. There are many examples of panels of design experts simply substituting their own design aspirations for those of the project designer, with no net improvement.

- We are concerned that the Scheme will have little to no beneficial effect on design quality and will merely delay the assessment process and add cost.

If you would like to discuss any of the following, please don't hesitate to contact me.

Yours sincerely



Daniel Gannon | SA Executive Director

## Attachment 3: YourSAy Survey Response Report

# Local Design Review Code Amendment Survey

**SURVEY RESPONSE REPORT**
27 April 2021 - 21 October 2021

**PROJECT NAME:**
Local Design Review Code Amendment

BANG THE TABLE engagementHQ

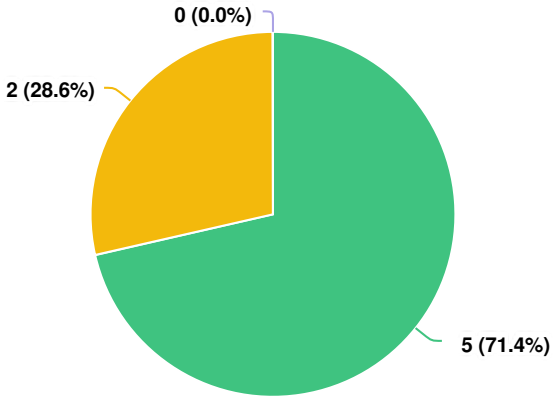
# SURVEY QUESTIONS

## Q1 Name of your local government area

| | |
|---|---|
| Mick Sheppard<br>8/12/2021 11:32 AM | Tea Tree Gully |
| Stella5238<br>8/12/2021 11:25 PM | Mid Murray |
| Wayne Harris<br>8/18/2021 07:54 AM | City of Adelaide |
| Clint Watchman<br>8/27/2021 01:47 PM | City of Salisbury |
| Trefor<br>9/07/2021 03:59 PM | Newland |
| Bob Newman<br>9/15/2021 10:25 PM | Onkaparinga |
| Jim Oakey<br>9/16/2021 08:59 AM | Playford |

**Optional question** (7 response(s), 0 skipped)
**Question type:** Single Line Question

## Q2 Would you support Local Design Review being available in your local government area?




**Question options**

Yes Unsure No

*Optional question (7 response(s), 0 skipped)*
*Question type: Dropdown Question*

## Q3 What kinds of development do you think would most benefit from an independent design review process such as Local Design Review?

| | |
|---|---|
| Mick Sheppard<br>8/12/2021 11:32 AM | Residential development minimum allotment size review |
| Stella5238<br>8/12/2021 11:25 PM | Commercial development and any development that does not fit within the current esthetic of the town |
| Wayne Harris<br>8/18/2021 07:54 AM | Development that is proposed near or adjacent to the North Adelaide Historic (Conservation) Zone. |
| Clint Watchman<br>8/27/2021 01:47 PM | Large scale multi storey buildings. Typically mixed use |
| Trefor<br>9/07/2021 03:59 PM | To use the O-Bahn to it's full potential, (Speed needs to be increased and banking of tracks.) Modify Bus station and surrounding infrastructure to reduce parking in/out times. Update TTP to include offices, Hotels and entertainment. Water feature and play area. Plan so that overflow from city can be accommodated, and promote proximity of venues just <20 minutes from CBD, with no parking hassles. Roads around the TTP need to be looked at for minimum traffic stoppages. The people would come if designed with people in mind. |
| Bob Newman<br>9/15/2021 10:25 PM | Commercial retail outside of shopping centres |
| Jim Oakey<br>9/16/2021 08:59 AM | Redone Hills Face Zoned areas allowing realignment of boundaries and housing development. |

**Optional question** (7 response(s), 0 skipped)
**Question type:** Essay Question

## Q4 Are there any incentives that you think would encourage developers to participate in Local Design Review?

| | |
|---|---|
| Mick Sheppard<br>8/12/2021 11:32 AM | Ongoing maintenance contracts post construction with compliant designs |
| Stella5238<br>8/12/2021 11:25 PM | Should be mandatory, developers often seem to be able to circumvent the rules |
| Wayne Harris<br>8/18/2021 07:54 AM | Sadly I expect we would need legislated participation, most developers seem to want less red tape and community involvement. |
| Clint Watchman<br>8/27/2021 01:47 PM | Financial assistance/subsidized review. Greater certainty of the approval decision. Shortened approval timeframe. |
| Trefor<br>9/07/2021 03:59 PM | The revamp of the whole TTP would have their tongues hanging out |
| Bob Newman<br>9/15/2021 10:25 PM | Council adopting a parking policy that encourages business including time zones to avoid inappropriate long term parking |
| Jim Oakey<br>9/16/2021 08:59 AM | Redone the Hills Face Zone |

**Optional question** (7 response(s), 0 skipped)
**Question type:** Essay Question

## Q5 Are there any incentives that you think would encourage your local government to make Local Design Review available in your area?

| | |
|---|---|
| Mick Sheppard<br>8/12/2021 11:32 AM | it makes the area more attractive to people wanting to stay or move into the area. Currently residential lots are being subdivided, reducing the individual house prices, attracting crime and increasing population density ruining the beautiful government area. |
| Stella5238<br>8/12/2021 11:25 PM | Provide funding to counil. An amount givemn to council for each development passed by the local design review process |
| Wayne Harris<br>8/18/2021 07:54 AM | The incentive should be that local government is listening to their ratepayers. |
| Clint Watchman<br>8/27/2021 01:47 PM | Simplified "lightweight" design review for small-scale urban infill. |
| Trefor<br>9/07/2021 03:59 PM | Not to involve the local council, MP seems OK to oversee the changes and ensure the Greed factor is minimal |
| Bob Newman<br>9/15/2021 10:25 PM | community support for agreed local character declared by an effective consultation program - not just yoursay, including provision of coordinated parking |
| Jim Oakey<br>9/16/2021 08:59 AM | Increased rates income from housing development. |

**Optional question** (7 response(s), 0 skipped)
**Question type:** Essay Question