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28 Leigh Street
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Our ref: D20/71995

Via email: DPTI.ODASAconsultation@sa.gov.au

Dear Ms Mackay,

Draft Local Design Review Scheme for South Australia – Consultation

Thank you for the opportunity to provide feedback on the draft Local Design Review Scheme released for public consultation until 21 August 2020.

As you are aware, Council currently offers its own version of a design review scheme in the City of Tea Tree Gully. Council established its Urban Design Advisory Service in 2015 with the aim of improving the design of new developments across the City, with a particular focus on higher density residential infill developments in the Modbury Precinct.

In setting up the service, Council sought the services of an experienced urban design specialist to:

- Review preliminary development schemes and proposals against urban design principles / guidelines
- Assist with the ongoing training, development and mentoring of Council staff in relation to architectural, urban design and landscape design concepts, principles and practices
- Provide advice to Council's customers including building designers, developers and landowners to encourage good urban design outcomes
- Assist Council staff and the Council Assessment Panel in the interpretation of policies in the Tea Tree Gully Development Plan that refer to architectural, urban design and landscape design concepts
- Undertake audits to review the outcome and performance of constructed developments
- Assist with the preparation of support material such as information guides or design guidelines.

The service provides voluntary pre-lodgement advice, and is available at no cost to the landowner or developer. Council planners also use the service as an informal referral during the assessment of particular developments.

For that reason, Council recognises the benefits of incorporating high-quality design review (as envisaged by the *Planning, Development and Infrastructure Act 2016*) as a way to place greater emphasis on the design quality of our built environment in the new planning system.

Council staff therefore offer their feedback on the draft Local Design Review Scheme based on experience derived from operating Council's service. Comments on specific clauses in the draft Scheme are provided in the attached PDF document, and general comments are provided below:

1. Design Policy in the Planning and Design Code

It is acknowledged that the PDI Act seeks to place greater emphasis on high quality design, and the Local Design Review Scheme is one way it aims to do this. However, it is important to ensure that the principles of good design outlined in the scheme and the advice given to proponents are contained within the policies in the Planning and Design Code. Development Assessment officers 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.

2. Eligible classes of development

It is noted that the State Government will determine the relevant criteria/thresholds for developments that will be eligible for advice under the Scheme. Council's design advice service sets a geographic area where higher density infill development is envisaged as the eligibility criteria, however discretion is used by the development assessment team to allow other developments to obtain design advice. It is recommended that eligibility is not limited to a particular building height or cost of development. Small scale infill residential development often present the greatest design challenges, and are seldom designed by qualified architects.

3. Financial and Resource Implications

The cost impositions for councils opting into the Draft Local Design Review Scheme have not been fully established, however it is clear that there will be costs above and beyond those covered by Council's current design advisory service.

Presently, Council absorbs administration costs in its standard operating budget, and engages an independent design adviser as needed on pre-determined days. Pre-lodgement meetings are flexible and informal so as to offer free specialist advice to proponents, as an add-on to the regular pre-lodgement advice provided by development

assessment planners. This is seen as an important customer service with benefits for the wider community resulting from better designed and integrated developments, and has been found to be particularly useful for smaller scale developers or landowners looking to unlock development potential on their land.

The draft Scheme is more complex in comparison to Council's current service. Additional costs and staff resources will be needed for establishing and registering a designated entity, appointing panel chairs and panel member pools, preparing agendas, briefings and minutes for (potentially) multiple meetings, convening formal meetings (including costs associated with the services of panel members), and the costs associated with concurrence checks and annual evaluation of the Scheme's functions.

It is understood that ODASA's intent for the prescribed fee, set out in section 121(3c) of the PDI Act 2016, is to be of a level sufficient to cover the costs of the Scheme. However, there is concern that charging a fee to access the Scheme (particular one that seeks to cover all costs) will deter the small scale developers and landowners that often have greater need for the advice.

The Draft Scheme also proposes in paragraph 2.7 that design review panel members must complete an induction program that is in accordance with guidelines provided by the South Australian Government Architect. However, as currently drafted, it is unclear which body will conduct the proposed induction program, how long it will be valid, what the associated costs will be, and which body will ultimately bear the training costs.

It appears councils are being encouraged to administer a state-wide centrally-led design review scheme to consider local proposals against a state-wide centrally-led Planning and Design Code. It is therefore considered that the State Government should bear the additional costs proposed to implement the new Scheme.

4. Alternative options

One of the main benefits of Council's design advisory service has been the professional development of Council planners in the area of assessing architectural detail and urban design. This benefit should be recognised and made available for all professionals making decisions on development applications.

An alternative option to a formalised Local Design Review Scheme could be to:

1. Ensure good design is written into the policies contained within the Planning and Design Code. This is critical in setting the standard and enabling assessment officers to request improved design amendments.
2. The State Planning Commission to establish a Local Design Review Panel to which any council can refer development proposals. This would enable advice to be taken on design merits of development proposals without individual Councils having the overhead cost of establishing, supporting and operating a local panel.

Such a panel would need to be easily accessible and offer clear benefits to the developer.

3. Systematically work to upskill all development assessment planners, starting with Assessment Managers (as most developments that would benefit from design review will be performance-assessed), and expanding to officers working under delegation of the Assessment Manager. The aim here is to ensure a “design-lens” is placed over all performance-assessed development applications during assessment, irrespective of whether the development was eligible for a pre-lodgement design review.
4. The Office of Design and Architecture SA, as the champion of design quality in government and planning policy, could lead the professional development activities and make guides, tools and other materials available to Assessment Managers and assessment officers working under delegation.

At this stage, Council will wait to see the final version before determining whether to transition to the Local Design Review Scheme. The additional administrative costs of the Scheme would make it difficult to continue to offer a free service. But introducing a fee would likely deter proponents, unless an expedited and less costly development assessment process can be assured as an incentive.

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