

From: [McCormack, Brad \(DIT\)](#)
To: [DIT:ODASA Consultation](#)
Subject: FW: OGA (WA) feedback and advice on the draft Local Design Review Scheme for South Australia.
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Attachments: [image001.png](#)
[3_Design Review Guide - Final Clean - Word Version#2.docx](#)

From: Carmel van Ruth [REDACTED]
Sent: Tuesday, 8 September 2020 7:15 PM
To: Mackay, Kirsteen (DIT) [REDACTED] McCormack, Brad (DIT)
[REDACTED]
Cc: Carthy, Sonya (DIT) [REDACTED] Chan, Belinda (DIT)
[REDACTED] Melinda Payne [REDACTED]
Subject: OGA (WA) feedback and advice on the draft Local Design Review Scheme for South Australia.

Hello Kirsteen and Brad

Thanks for the request for advice and feedback on the draft Local Design review Scheme for South Australia. This is a highly commendable proposal, which in some way exceeds Western Australia's well-established local government design review processes due to the requirement for Panel registration, however given it is relatively new to South Australia we feel we can offer some valuable insights.

Strengths

- The immediately identifiable strength of this proposal to establish design review processes within local governments in South Australia, is that it is established via scheme text, under the South Australian Planning, Development and Infrastructure Act 2016. Embedding the process into the planning framework as a Scheme requires decision makers to have *due regard* for the resulting advice, and offers great potential for consistency and uptake, while maintaining the flexibility of an opt-in process.
- The process is set up to occur pre-lodgement, as the advice accompanies lodgement. This valuable mechanism promotes early engagement, where access to independent design expertise and design advice are most beneficial.
- The Scheme encourages multiple design reviews which supports early engagement.
- Used to inform the decision-making process. Review reports are included in material for decision makers.
- The scheme has been developed in consultation with local government and industry professionals and peak industry bodies. This extensive stakeholder engagement will have garnered 'buy-in' which should mean valuable support and stewardship of the proposed Scheme through implementation challenges.
- The Scheme applies the Commission for Architecture and the Built Environment (CABE) 10 Principles of Design Review which are used nationally and internationally ensuring consistency and best practice.
- The Scheme promotes *independent* design review which is not only best practice but will also satisfy requirements for Greenstar Communities and Infrastructure Sustainability Council of Australia (ISCA) ratings processes, making it an attractive

proposition for those seeking these ratings.

- The design principles that guide design advice are also embedded within the Act. This will ensure uptake and consistency across processes.

Suggestions offered;

- The Scheme allows local governments to register as a Local Design Review Administrator. Similarly, a person, body or entity including a professional organisation may seek registration as an independent Design Review Administrator. These applications for registration are considered by the Chief Executive of the Department of Planning, Transport and Infrastructure (DPTI). *Naturally we would recommend that ODASA advise on the eligibility and suitability of Panel applications.*
- The Panel composition, independence and term of engagement are sensible. We would suggest that panel members selection criteria could have a greater focus on design review skills, communication skills and professional reputation, as these are distinct from design skills. This will be useful, for instance, when DPTI assesses Panel composition for registration.
Consider including in the requirements;
 - highly regarded amongst professional peers,
 - demonstrated expertise in design review, design critique or the provision of strategic advice on design quality issues,
 - knowledge or understanding of the Planning Framework, relevant local government policies and development controls and design issues in the local area,
 - ability to analyse, evaluate and offer objective and constructive feedback on complex design quality issues in design review, for evaluation of complex development applications and on strategic planning matters, and
 - good written and verbal communication to ensure that advice provided to proponents is clear and concise.
- The “entity” is required to publicly advertise for membership for 15 days. We would suggest that this timeframe be extended to a month to catch the calibre of expertise sought.
- There is potential confusion between the use of the terms Chief Executive Officer (of the local government seeking registration) and Chief Executive (of the Department of Planning, Transport and Infrastructure). Suggest the application is lodged by the Local Government or “entity”, to DPTI with individual responsibilities noted in the more detailed sections of the Scheme.
- In this process, the appointment of Panel members by local government or “designated entity” is undertaken autonomously. Later, these appointments are “approved” for registration by the DPTI (SA). This is a highly commendable process that will reduce many longer term risks regards underperforming or ineffective design review panel members or processes. It also ensures greater consistency in process, dedicated resources and calibre of design review expertise.
- Before applying for registration - local governments will have undertaken lengthy establishment and appointment phases and communicated appointment to their preferred applicants.

If one or more applicants are unsuitable – when assessed by DPTI – there is potential for relationship issues between state and local government. To avoid this situation, solid criteria for appointment, and assistance with model Terms of Reference (WAs is [here](#)) shortlisting and interview processes are vital. Consider also, the ability for the local government to terminate an individual’s panel membership if they are not making themselves available, being subjective or overly instructive, or are underperforming generally.

- Consider developing a model review template – structured against the Design Principles in the Act - to ensure recognisable consistency in reporting from different local government areas. This has been a welcome improvement in WA. Consider also, the use of a coloured “traffic light” evaluation to offer decision makers a quick overview of strengths and weaknesses and to avoid frustration over numbers and scoring.
- On page 3, there is a list of the types of feedback/advice given. This could be augmented to highlight more of the attractive opportunities for proponent teams, such as “reducing risks and expense by identifying weaknesses within the design at the earliest possible opportunity”. Please find attached word version of the WA Design Review Guide; it has listed benefits for designers, proponents and local governments (as gathered from WA stakeholders) that may assist populate this part of the draft scheme.
- The advice has a dual role; advice to the proponent (reducing risks and improving the design) and advice to the local government regards the quality of the proposal. Can the local government refer the proposal post-lodgement?
- Under Section 3, *Preparing for Design Review*, information and drawing requirements are listed. We’d recommend that adequate material is requested that communicates interrogation of the surrounding context and site conditions and how this has informed the design response. We find this to be the most important component of a review package and is often lacking. We have some guidance on drawing requirements for pre-lodgement discussions in the WA *Design Review Guide* that may assist. Local Governments will require assistance to communicate what the format and purpose of these drawings are.
- Under 4.1, *Role of the Designated Entity*, suggest adding “coordinating a set calendar of diary placeholders for panel members”.
- Make clear that, for the Panel’s advice to be independent, the panel must be Chaired by a Panel member, rather than a local government officer.
- Under 5.1 *Preparing Design Advice*, we would suggest that the Panel support within the local government prepare draft reporting for editing and approval by the Chair. Make clear that the Chair is remunerated for their time editing and finalising reporting.
- The Scheme notes the design advice is provided to the proponent to assist with design development. The design advice is also provided to the relevant authority when the development application is lodged. If the design is developed further in response to the advice, does the DRP evaluate the design response and update the advice to the decision makers, or is this left to the judgement of the local government planning staff and decision makers? We would suggest that the review process include a review of design changes – by the independent Panel or Chair - prior to lodgement.
- The (SA) Act requires that any design advice provided by a design panel under this Scheme must be “taken into account” by the relevant authority when it is undertaking

its assessment of the relevant development. Consider using the term “due regard” for design review reporting, as it is a well understood term, and for consistency with other states.

- We understand that mandating design review is difficult. The incentive for engaging in design review is offered through expert advice and requiring “due regard” of reporting by decision makers. This could be augmented by links to development incentives, through local government schemes or planning instruments applying to a defined area of importance or sensitivity.
- It is not clear in the draft Scheme, who pays for design review. Design review at local government level is almost always fully funded by the local government, perhaps with a modest administrative fee. This removes cost barriers to early engagement where design review is more effective. We have observed rare instances where full cost-recovery fees have been sought, and this has negatively impacted uptake of early engagement.
- Multiple reviews are offered; however this should be encouraged to promote early engagement. If there is a proponent fee for design review, this could include “up to 3 reviews”.
- Make clear that the local government planning officers are to attend the design review for the purposes of a briefing and hearing the dialogue first hand. In WA this is seen as a valuable training mechanism and factor in reducing approval timeframes.

We congratulate ODASA for developing a robust mechanism for introduction and establishment of design review in local governments in South Australia. It is great work and we would love to stay in touch to hear the response to the draft.

Regards
Carmel.

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[Redacted contact information]



The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

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