

ODASA Consultation
28 Leigh Street
Adelaide, SA, 5000

Monday 31 August 2020

To whom it may concern

RE: Draft Local Design Review Scheme

The Urban Development Institute of Australia (UDIA) has been active in South Australia since 1971. Many imminently qualified members of the UDIA are involved through policy development on committees, professional development, event attendance, as well as other activities, all aimed at improving the outcomes for our sector and State. It is through these members that the UDIA provides an important voice on development matters, particularly in relation to initiatives for homebuyers, urban developers, professionals and others who are involved in the sector.

We thank you for the opportunity to comment on the Draft Local Design Review Scheme. The observations and queries from our members in relation to the proposed Scheme have been summarised in tabular form overleaf.

Developments which exceed more than \$10,000,000 to complete and are located within the area of *The Corporation of the City of Adelaide* are referred by the State Commission Assessment Panel (SCAP) to the Office of Design and Architecture SA (ODASA) unless a pre-lodgment agreement is secured through the design review process. Developments in the metropolitan areas fall under different categories and we understand that the proposed Scheme is based on the extension of that framework.

Many of our members have indicated that they believe the proposed Scheme seems to be presented in a way where it intends to address community concerns with infill development. They have also indicated however that they understand that the Planning Reforms (and in particular in conjunction with the Infill Guidelines undertaken by the State Planning Commission) are seeking to resolve the same matters.

Our members have observed that smaller sub-division developments (such as one into twos) that raise issues such as carparking, loss of tree canopy and general amenity will not be addressed by the proposed Scheme, rather they will be dealt with via the Deemed-to-Satisfy pathway.

In light of this belief, that only developments which are likely to be subject to the new Scheme are three to four story, medium density dwellings in existing suburban areas, and in the absence of a clear statement of 'type of development' the proposed Scheme is targeting in the supporting documentation, our members are hesitant to provide support.

While there is information available on how the proposed Scheme will operate, there is not as much on the purpose. Overwhelmingly we have received questions including the need, purpose and reason for the proposed Scheme.

Our Members have also indicated that they spend many hours addressing commercial objectives, engineering constraints and planning and building requirements. With the introductions of a new process there is a real risk it will not take into account that many developments have considered all of these objectives in totality.

While at this stage the process is one that is voluntary, the UDIA is also very concerned that it will inevitably become mandatory and, if it does not, those proponents who opt not to participate may be unfairly treated during the course of the development assessment process.

Another preliminary observation is that statements are often made that the assessment timeframes are more likely to be achieved if proponents opt to participate in the design review process. What is often not factored into these calculations is the time to go through the design review process.

Once again thank you for the opportunity to provide comment. We would also be pleased to meet with you to provide further information if required.

Yours Sincerely

Pat Gerace
Chief Executive

UDIA Member Feedback	
Purpose	<p>What is the problem the proposed Scheme is trying to solve and what clear evidence can be provided in support of this. Is this not what the Planning and Design Code was created to solve.</p> <p>At a state level, it can be argued that design review can be warranted and is appropriately resourced. Some of our members have had first-hand experience on SCAP where, in their opinion, many, but not all, applications have been improved through the design review process. The question is, what is the need to have a Local Design Review Panel when significant developments are already going through SCAP and smaller developments, such as one into twos, which will be dealt with via the Deemed-to-Satisfy pathway, will not be significantly impacted by the proposed Scheme.</p>
Additional layer in the development process	<p>It has been outlined that the assessment timeframes are more likely to be achieved if the development has been through the design review process. However, the time to go through the design review process and the assessment process together significantly increases the overall time to get things approved. There must be shorter timeframes for the design review process.</p> <p>The design review process can involve hundreds of hours of work addressing commercial objectives, engineering constraints, and planning and building requirements. To suggest a panel could quickly and substantially improve the quality of a design while considering all the other inputs is questionable.</p>
Voluntary process, but with consequences?	<p>This process, whilst purported to be voluntary, could be used against proponents who back their skills and knowledge, and choose not to engage in the design review.</p> <p>In time, there is some scepticism that this will be mandated in one form or another – despite the ‘voluntary’ tag.</p> <p>It will definitely be frowned upon if it is not pursued and it will, therefore, become a default ‘requirement’ that will add time and not necessarily deliver a better outcome. It begs the question, hasn’t the Code been designed to better address this?</p>
Inconsistencies across Councils	<p>The delegations across all participating councils should be clear and consistent. “Any development that would benefit from the process” is too wide.</p> <p>There is a high likelihood of an inconsistent approach between Councils with a mixed representation on the Panels. This is the opposite of what the planning reforms are about – which is achieving more consistency across the State. Membership of Panels should be signed off by the Minister (to assist with this issue). UDIA had asked for this with membership of the CAPs.</p> <p>We do not believe that it would be useful to have different Councils deciding the different classes of development that can be subject to local design review. One set of rules for the entire State, which was one of the key drivers behind the new Planning and Design Code.</p>
Panel representatives	<p>There is a concern as to where Councils are going to find expert advice on large scale land divisions and those people do not have a conflict of interest because they work for the proponent or are working on a competitor’s project in the same local market.</p> <p>The ‘subjective’ evaluation from panel members can create situations where junior designers are critiquing the work of very experienced designers.</p> <p>This begs the question at a local government level, how will this be resourced and interpreted? Who will sit on the panel, what appropriate qualifications will they have, and will the person undertaking the planning assessment have the capacity to understand and balance good design principles?</p>

Criteria	One of the criteria that has been discussed was that a proposal needs to fit in with its surroundings. In an Urban Corridor Zone, the entire reason for having such a zone is to enable significant change to the character of the area. As such, criteria that deals with “fitting in” need to only be relevant in select locations.
Fees	<p>There will be a lot of administration costs, such as registration of designated entities, annual evaluations, etc. Who will pay for all of this? Cost-shifting to councils and/or developers? Should there be some form of a discount on development application fees if fees are paid for a design review process?</p> <p>There should not be any fees. If this process is for the community good, then there has to be alternate methods of how it is funded, such as the community paying for it through Council rates.</p>
Master-planned developments included within Local Design Reviews	There are concerns that master-planned land divisions should be subject to this review. This is a very specialised area and the people with the ability to review this let alone critique it are just not available. There are many consultants and surveyors who might suggest they could do this however, few have ever been intimately involved with a project to work out what they got wrong.
Stifle innovation & design	This process could potentially stifle innovative design and new product solutions by the DA planner ‘falling in line’ with a panel opinion.
Design vs Affordability	<p>Consultation Guide Introduction “...enables SA’s new planning system to place greater emphasis on high-quality design.”</p> <p>Draft for Consultation Pg 4, 1.3(d) “A design panel and its advice should clearly be seen to be supporting the public’s interest.”</p> <p>We believe it must also be in the context of affordability. It is also in “the public’s interest” for Adelaide to be an affordable place to live. The developer/investor is the one putting themselves on the line, and this must be respected by any design panel or objectives.</p>
Any design advice must be considered?	If a proponent is frustrated by the design review process and wishes to stop, and/or the design review panel produces a draft report that is not up to standard or agreed upon, then it is not reasonable that the material “ <i>MUST be considered by the relevant authority during development assessment</i> ”.
Complaints process	It is unclear what the process is for when there is a complaint in relation to the review process or towards a particular panel member or decision which has been made. Is the complaint lodged with the Council or independent provider (i.e. the party being complained about).