

Code Amendment Local Design Review

Engagement Plan State Planning Commission

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Contents

Background information	3
Engagement purpose	4
Engagement objectives	4
Scope of influence	4
Key messages	5
Stakeholder and community mapping	6
Applying the Engagement Charter principles	6
Staging your engagement	7
Planning your engagement approach	7
Applying the Engagement Charter principles in practice	8
Measuring success	9
Closing the loop and reporting back	9

Background information

Section 121 of the *Planning, Development and Infrastructure Act 2016* (the Act) enables the Minister for Planning and Local Government (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.

In February 2021, the Minister approved the Local Design Review Scheme (the Scheme) to come into effect on 1 July 2021. The [approved Scheme](#) can be accessed via the PlanSA Portal:

- https://plan.sa.gov.au/_data/assets/pdf_file/0006/804075/Local_Design_Review_Scheme_for_South_Australia.pdf

The purpose of this Amendment is to enable operation of the Scheme to support high-quality design.

The proposed Amendment would enable a council to specify certain classes of development to be eligible for Local Design Review in their area. This process would occur when that council registers to participate in the Scheme via a notice published by the Chief Executive of the Department. Proponents of the eligible classes of development will then be able to apply to that council to participate in Local Design Review and seek design advice on their development proposal.

Engagement Already Undertaken

The Office for Design and Architecture SA (ODASA) prepared the draft Scheme on behalf of the Minister in collaboration with the State Planning Commission (the Commission), council staff from across the State, representatives from peak industry bodies and interstate government agencies with experience in Local Design Review.

Between December 2019 and February 2020, the ODASA team met with over 50 staff from 24 councils across the state and representatives from the local divisions of peak industry bodies to understand the needs and expectations in relation to Local Design Review. This early feedback guided the development of the draft Scheme.

The draft Local Design Review Scheme was available for public comment for eight weeks from 26 June to 21 August 2020. The opportunity to provide feedback was open to everyone, with a particular focus on councils and the design, planning and development industries as future users of the Scheme.

ODASA received 39 submissions in response to the draft Scheme from councils, industry groups and community members. This feedback was used to refine and update the Scheme.

In early 2021, ODASA requested additional feedback on the updated Scheme through a targeted engagement process with staff from eight councils and representatives from six peak industry bodies, including:

- Adelaide Hills Council
- Barossa Council
- City of Adelaide
- City of Mitcham
- City of Prospect
- City of Tea Tree Gully
- Mount Barker District Council
- Australian Institute of Architects
- Australian Institute of Landscape Architects
- Housing Industry Association
- Local Government Association
- Planning Institute of Australia
- Urban Development Institute of Australia

- Rural City of Murray Bridge

ODASA prepared and released the [Local Design Review Scheme Engagement Summary Report](#) to document the collaborative process to develop and consult on the Scheme. The Summary Report can be accessed here:

- https://plan.sa.gov.au/_data/assets/pdf_file/0005/804074/Local_Design_Review_Scheme_-_Engagement_Summary_Report.pdf

In May 2021, the Commission endorsed ODASA to undertake pre-engagement meetings with council staff and industry groups to help inform this Amendment. Two workshops were held, which highlighted:

- suggestions for various classes of development for which Local Design Review could be used across the State
- a desire for the process established by this Amendment to allow for flexibility between council areas and their various planning contexts
- the importance of ensuring the design review process can be successfully resourced by enabling councils to specify a list of development eligible for design review
- the need for design review to focus on developments of concern to the community (e.g. infill development)
- a desire for the process established by this Amendment to be timely, simple and efficient for users to manage and adapt over time.

Engagement purpose

The purpose of this engagement is to encourage stakeholders to review and provide feedback on the proposed Code Amendment. Feedback received will be used to refine the draft provisions in the Code and the subsequent process for participating councils to identify classes of development that would be eligible for Local Design Review in their area.

Engagement objectives

The engagement objectives are to ensure:

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

Scope of influence

Aspects of the project which stakeholders and the community *can* influence are:

- the draft provisions that are being proposed for inclusion in the Code to give effect to the Local Design Review Scheme, noting it is largely procedural in nature.

Aspects of the project which stakeholders and the community *cannot* influence are:

- the Local Design Review Scheme, including any associated operational matters
- the Principles of Good Design as they appear in the Scheme and in the State Planning Policies
- any further amendments to the Act, Code or Scheme other than those proposed in this consultation.

Key messages

The following key messages will underpin the engagement regarding this Amendment:

- The *Planning, Development and Infrastructure Act 2016* enables South Australia's new planning system to place greater emphasis on the design quality of our built environments. One of the ways it is achieving this is by creating more opportunities to participate in Design Review under the new Local Design Review Scheme.
- The Local Design Review Scheme is designed to:
 - support high-quality design
 - improve access to independent and expert design advice early in the planning and design process
 - support consistent and informed planning decisions
 - facilitate collaboration between allied professionals
 - support the State's planning system to meet objects and principles in the PDI Act.
- This Amendment is required to give effect to the Local Design Review Scheme.
- This Amendment will enable councils who register to participate in the Scheme to subsequently select classes of development that would be eligible for Local Design Review in their area. Doing so will enable proponents of the eligible development classes to apply for Local Design Review.
- The outcome of this Amendment should allow participating councils to utilise the Scheme to support high-quality design for the benefit of their communities.
- The proposed Amendment would require the Department to maintain a public register of participating councils and their selected classes of development on the PlanSA Portal.

Stakeholder and community mapping

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Councils	Medium In particular, councils who are interested in implementing the Scheme.	This technical Amendment will enable councils to determine which classes of development will be eligible to participate in Local Design Review if they choose to participate in the Scheme.	That we will seek buy-in to the proposed Amendment from councils, which if approved will establish the process for where Local Design Review could apply. Councils will be invited to make submissions	Collaborate
Local Government Association	Medium	As the leadership body for councils across South Australia, the LGA needs to be consulted on this Code Amendment, including understanding how councils are being consulted.	That they will be made aware of the Amendment, have an opportunity to participate and be kept informed. They will be invited to make submissions	Consult
Industry bodies, including ACA, AIA, AILA, HIA, MBA, PCA, PIA, UDIA	Medium	Members of these industry bodies will be future users of Local Design Review.	That they will be made aware of the Amendment, have an opportunity to participate and be kept informed. They will be invited to make submissions.	Consult
Community	Low	This technical Code Amendment will enable councils to make Local Design Review available in communities identified by the local council.	That they will be made aware of the Amendment, have an opportunity to participate, and be kept informed via the PlanSA Portal, YourSAy and social media.	Consult

Applying the Engagement Charter principles

Stakeholder	Engagement need or technique
All stakeholders listed above	<ul style="list-style-type: none"> Public consultation on the PlanSA Portal with important and helpful information on the technical nature of the Code Amendment to support informed feedback (updates to the Design Review and Code Amendment pages of the PlanSA Portal) YourSAy consultation website with important and helpful information to support informed feedback Letters to council Chief Executive Officers and industry bodies from Chair, State Planning Commission Email to council staff who participated in the Local Design Review Scheme pre-engagement from ODASA staff Planning Ahead newsletter article Social media (State Planning Commission and ODASA LinkedIn pages, PlanSA Facebook page and YourSAy social media campaign)

Staging your engagement

Stage	Objective	Stakeholders	Level of engagement	By when
1	We will undertake a pre-consultation workshop with key stakeholders to refine the list of classes of development eligible for Design Review to inform the Code Amendment.	Councils Industry bodies	Collaborate Collaborate	June and July 2021
2	We will consult publicly on the draft Code Amendment. This consultation builds on the consultation undertaken in 2020 on the Scheme. Councils and industry bodies will be a focus for this engagement as future administrators of the Scheme. These stakeholders may be contacted directly to encourage feedback and to offer assistance with preparing a submission.	Councils Local Government Association Industry bodies Community	Collaborate Consult Consult Consult	August – September 2021
3	We will review and summarise consultation feedback and prepare an Engagement Report and Instructions for Ministerial decision.	Minister for Planning and Local Government	N/A (for approval)	October 2021
4	If adopted, the outcome of this Code Amendment will be promoted to all stakeholders. Key stakeholders (councils and industry bodies) will be directly notified of the outcome.	Councils Local Government Association Industry bodies Community	Inform Inform Inform Inform	November 2021
5	Councils that participate in the Scheme will be supported by ODASA through training and guidance materials.	Councils	N/A	After the Code Amendment is adopted and the Scheme is operational

Planning your engagement approach

Stage	Engagement activity	Engagement level and objective of activity	Stakeholders/ target audience	Timing	Who's responsible?*	Resources required*	Budget*	Risks and mitigation*
1	Pre-engagement workshop with key stakeholders prior to formal consultation	Collaborate with key stakeholders to inform the approach to this Code Amendment.	Councils and industry bodies	June - July 2021	ODASA PLUS	Email invite	Within existing resources	Risk: Conflicting views on the approach for this Amendment. Mitigation: Advise participants that there will be a formal public consultation process where they can provide written submissions in response to the draft Amendment.
2	To engage with all stakeholders on the proposed Code Amendment.	To ensure the technical Code Amendment enables councils to participate in the Local Design Review Scheme.	All stakeholders with a particular focus on councils	August - September 2021	ODASA PLUS YourSAy Team	<ul style="list-style-type: none"> PlanSA Portal YourSAy page Planning Ahead Social media Emailed letters 	Within existing resources	Risk: Stakeholders may not be aware that this Amendment is on consultation. Mitigation: ODASA and Planning and Development staff to take reasonable steps to make sure stakeholders, in particular councils, are aware of the consultation and how they can provide feedback.
4	To inform stakeholders that the Code Amendment is complete and adopted should it be approved	To keep all stakeholders informed that the Code Amendment has been finalised and adopted.	All stakeholders	November 2021	ODASA PLUS YourSAy Team	<ul style="list-style-type: none"> Email PlanSA Portal Planning Ahead Social media YourSAy page 	Within existing resources	N/A

*this information does not need to be provided to the Minister

Applying the Engagement Charter principles in practice

Charter principle	How does your engagement approach/activities reflect this principle in action?
Engagement is genuine	<p>This engagement includes pre-engagement workshops with targeted stakeholders (councils and industry bodies) to help inform the draft Amendment.</p> <p>Engagement with councils is collaborative to ensure the process established by this technical Code Amendment is timely, simple and efficient for users to manage and adapt over time.</p> <p>The engagement will be publicly promoted.</p> <p>Enquiries during the consultation period will be responded to in a timely manner by ODASA and/or Planning and Development staff.</p>
Engagement is inclusive and respectful	<p>This consultation will be open for a minimum of six weeks.</p> <p>This engagement has been planned to allow reasonable time between full implementation of the Planning and Design Code (19 March 2021) and this consultation period.</p> <p>Background information will be readily available.</p> <p>All information will be provided in clear and accessible language.</p> <p>Everyone will have the opportunity to provide feedback through multiple formats:</p> <ul style="list-style-type: none"> • Online: <ul style="list-style-type: none"> ○ YourSAy consultation page ○ PlanSA Have your Say page • Email: <ul style="list-style-type: none"> ○ LocalDesignReview@sa.gov.au • Post: <ul style="list-style-type: none"> ○ Attn: Brad McCormack Office for Design and Architecture SA Level 1, 28 Leigh Street Adelaide SA 5000 <p>ODASA staff will be available to respond to enquiries during the engagement by phone, email and comments received through the online websites.</p>
Engagement is fit for purpose	<p>The scope of the amendment is limited because it does not affect the policies or mapping in the Code, but rather facilitates voluntary and pre-lodgement Local Design Review.</p>
Engagement is informed and transparent	<p>This engagement builds on extensive engagement activities already undertaken in relation to the Local Design Review Scheme, including:</p> <ul style="list-style-type: none"> • 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 (June – 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). <p>All stakeholders will be aware that feedback received will be summarised and published at the conclusion of the consultation period.</p>
Engagement is reviewed and improved	<p>Engagement and opportunities for improvement will be summarised in the Engagement Report to the Minister.</p>

Measuring success

At the completion of the engagement, participants will have the opportunity to assess the success of the engagement against performance criteria one to four, below via an online survey. The Designated Entity will assess the success of the engagement against criteria five to nine.

This evaluation will be included in the statutory report required to be prepared by the Designated Entity under section 73(7) of PDI Act (the Engagement Report). The Engagement Report provides details and analysis of engagement activities undertaken for the Code Amendment, and is provided to the Minister for Planning and Local Government. This Engagement Report will also be referenced in the State Planning Commission's Parliamentary Report under section 74(3)(b) of the Act, which is issued to the Environment Resources and Development Committee of Parliament following adoption of a Code Amendment.

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Follow-up survey	Measuring success of project engagement
1	Principle 1: Engagement is genuine	<ul style="list-style-type: none"> People had faith and confidence in the engagement process. 	Anyone who provides a submission	I feel the engagement genuinely sought my input to help shape the proposal	Likert scale - strongly disagree to strongly agree	Per cent from each response.
2	Principle 2: Engagement is inclusive and respectful	<ul style="list-style-type: none"> Affected and interested people had the opportunity to participate and be heard. 	Anyone who provides a submission	I am confident my views were heard during the engagement	Likert scale - strongly disagree to strongly agree	Per cent from each response.
3	Principle 3: Engagement is fit for purpose	<ul style="list-style-type: none"> People were effectively engaged and satisfied with the process. People were clear about the proposed change and how it would affect them. 	Anyone who provides a submission	I was given sufficient information so that I could take an informed view.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
				I was given an adequate opportunity to be heard	Likert scale - strongly disagree to strongly agree	Per cent from each response.
4	Principle 4: Engagement is informed and transparent	<ul style="list-style-type: none"> All relevant information was made available and people could access it. People understood how their views were considered, the reasons for the outcomes and the final decision that was made. 	Anyone who provides a submission	I felt informed about why I was being asked for my view, and the way it would be considered.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
5	Principle 5: Engagement processes are reviewed and improved	<ul style="list-style-type: none"> The engagement was reviewed and improvements recommended. 	Project Lead	The Engagement process will be reviewed by the Commission at the end of the process and recommendations put in place for future engagement activities	Commission will evaluate the success or otherwise of the engagement process and whether lessons learnt can inform improvements to future engagements.	Enter selected response.
6	Engagement occurs early	<ul style="list-style-type: none"> Engagement occurred before or during the drafting of the planning policy, strategy or scheme when there was an opportunity for influence. 	Project Lead	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme	<ul style="list-style-type: none"> Engaged when there was opportunity for input into scoping Engaged when there was opportunity for input into first draft Engaged when the formal consultation process commenced 	Enter selected response.
7	Engagement includes 'closing the loop'	<ul style="list-style-type: none"> Engagement included activities that 'closed the loop' by providing feedback to participants/ community about outcomes of engagement 	Project Lead	Engagement provided feedback to community about outcomes of engagement	<ul style="list-style-type: none"> Formally (report or public forum) Informally (closing summaries) No feedback provided 	Enter selected response.

Closing the loop and reporting back

How will you respond to participants?	Who's responsible?	When will you report back?
Anyone who makes a submission will be informed once the Code Amendment is adopted.	ODASA PLUS	Within four weeks of the Amendment coming into effect.