

21 August 2020

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Dear Mr McCormack

### **Local Design Review Scheme – Consultation Response**

Thank you for the opportunity to make a submission on the proposed Local Design Review Scheme (the Scheme). Council's administration is pleased to provide support for the concept of the Scheme and its aspiration to achieve a greater emphasis on high-quality design within the planning system. We also take this opportunity to identify elements of the Scheme which would benefit from further discussion and consideration with councils and provide a number of observations in this regard.

#### ***Applicant Participation***

It is understood the current state Design Review program is well utilised. Unlike the existing state led process, the proposed local Scheme does not link to a referral through development assessment, should a proponent choose not to seek design review prior to lodgement. While council's staff are not advocating for a referral, this does raise questions as to how take up of the Scheme might be further incentivised for proponents.

Incentives based on faster assessment, greater certainty in the decision-making and cost benefits are expected to be a key driver of ongoing proponent participation. While the likely benefits of the Scheme are evident in terms of achieving better design, its success is anticipated to depend on take-up by proponents. Council would support further consideration in the Scheme in terms of incentives for proponents including:

- Increasing opportunities to allow design review to be accessed pre-lodgement and during assessment (by agreement); and
- While a council assessment panel must have regard to design advice, the weight this advice carries (and therefore to what extent does this incentivise participation) needs further consideration; and
- Consideration of subsidising of fees to be jointly funded by Local and State Government, linked to end-to-end participation in the design review process.



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### ***Council Participation***

The benefits of the Scheme in terms of improved design outcomes are recognised and supported. We do however hold concerns surrounding the resource implications the Scheme will have for councils – particularly in relation to flexibility of the Scheme, staff time, as well as administrative and budget considerations.

We note in particular the success of other “informal” Design Review processes currently in operation within other Council areas (such as the City of Prospect and City of Tea Tree Gully) and see the benefit to applicants and Councils in a more flexible design review process. Observations to improve the Scheme to further benefit councils include:

- Further consideration of a more centralised “subscription” based model. This could involve an organisation such as ODASA or the LGA taking the lead on the administrative obligations in establishing and maintaining a Scheme and panel that councils may subscribe to and access as required; or
- Seeking opportunities to expand the existing State design review process currently in operation and utilising the existing structures and processes which have been in place for some time and have been proven to operate effectively.

An alternative approach to establishing the Scheme and panel arrangement may assist to reduce resource impacts on councils and encourage greater participation. It may also assist in achieving greater consistency in advice between individual councils and design panels, with consistency being a key aspiration of the planning reform program generally.

### ***Eligible Development***

The new planning system aims to embed a greater level of policy and procedural consistency with the objective of delivering increased certainty to users. Under the Scheme it is understood each Council may proposed to nominate development types and locations to be eligible for design review.

While many Councils who choose to participate are expected to welcome the opportunity to tailor the Scheme on that bases, this could raise uncertainty across councils in relation to how the scheme works, as well the principles applied to include / exclude certain kind of development from review. The following observations are made in this regard:

- Greater clarity on the criteria / principles that ought to be applied to determine the suitability of design review for certain development types and locations;
- Consideration of ‘baseline’ development types and locations which should be open to design review consistently across councils with a design review scheme in place;
- Consideration to providing access to the Scheme to all proponents subject to paying all costs associated with the provision of design advice.

***Pilot Program***

We understand following consultation, ODASA propose to commence a 'pilot program' with selected councils to explore the application of the scheme across local government at a more detailed and operational level. City of Mitcham staff would be pleased to be involved in the pilot and look forward to discussing this opportunity further.

Overall, the concept of the Scheme and its ambition to achieve improved design outcomes is supported. Although it is considered some key aspects of the Scheme would benefit from further consideration and discussion with councils to fully realise its ambitions.

Yours sincerely



Alex Mackenzie

**MANAGER DEVELOPMENT SERVICES**