



City of
Norwood
Payneham
& St Peters

21 August 2020

Mr Brad McCormack
Senior Planning and Design Officer
Office for Design and Architecture SA

Dear Mr McCormack

LOCAL DESIGN REVIEW SCHEME – DRAFT FOR CONSULTATION

Thank you for the opportunity to provide comments on the draft Local Design Review Scheme. The City of Norwood Payneham & St Peters (NPSP) supports good design outcomes and has consistently strived for a high level of built form through its development assessment processes and policy setting through its Development Plan. The majority of development applications which occur within the Council area are small scale developments and it is evident that even for smaller scale developments good design outcomes are imperative in shaping the local area. NPSP offers the following comments on the draft Scheme.

Current NPSP Services

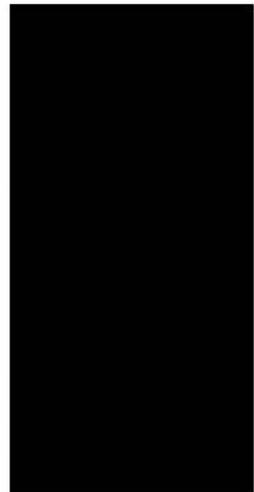
In the interest of facilitating better design and development outcomes, NPSP offers the following pre-lodgement services:

- a free, formalised pre-lodgement advice service with written feedback for detailed site-specific development proposals;
- a heritage advisory service through which Council's heritage advisor, David Brown, provides advice to owners of heritage buildings or properties within historic areas on a range of matters including historic building restoration and appropriate design outcomes for new development; and
- a duty planner offering 'on-the-spot' advice for walk-in/ impromptu and general requests.

Providing pre-lodgement advice is an effective way of achieving better design outcomes as it provides opportunities for the applicant to refine their proposal at a stage where they may be more open to recommendations and making changes, which subsequently improves their experience through the development assessment process. Council staff provide a response to the formalised pre-lodgement process within 2 weeks to help customers make informed decisions when purchasing properties, entering into contracts or financial agreements etc, which a statutory 8 week assessment timeframe may not facilitate. The formalised pre-lodgement advice is provided directly by the Council's Assessment Manager, to ensure maximum consistency and reliability of advice.

The heritage advisory service is a popular scheme offered on a weekly basis, with most meetings occurring on-site with the customer. Applicants can use the service at a pre-lodgement stage, however the heritage advisor also provides internal advice to Council staff and the Council Assessment Panel during the assessment of applications to help achieve compliance with the Development Plan policies and generally better outcomes from a heritage perspective.

These services are provided free of charge to the customer to encourage participation, and there is a generally high level of satisfaction from participants. The investment by the Council is significant, both in general staff resources and in the order of \$40-\$50,000 per annum for the heritage advisory service, but has proven to be a worthwhile use of resources in the interests of customer service and development outcomes.



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Scale of Development in Local Design Review

The Local Design Review Scheme is proposed as an opt-in system which allows participating councils to determine the types of development which would be the subject of the scheme. As a result, applicants will experience inconsistency from council to council, which is arguably at odds with one of the primary intended outcomes of the new planning system. That said, it is important to recognise the contextual differences and types of development which occur in each council and a 'one-size-fits-all' approach to Local Design Review would be impractical.

For NPSP, larger scale development such as multi-storey mixed use buildings primarily occur in the Urban Corridor Zone and District Centre (Norwood) Zone where SCAP is the relevant authority through which the State Design Review process is available. The majority of NPSP development applications are low-scale residential or small scale commercial projects which often don't exceed two-storeys. If NPSP applied a Local Design Review process to, say, development 3 storeys and above or the construction of 5 or more dwellings, the Panel would be meeting very infrequently (perhaps once a year or less) particularly as it's voluntary for proponents to participate in the process. Other councils may have a much greater balance of medium to large scale development which warrants the resources required to establish a Local Design Review Panel.

Benefits of the Local Design Review Scheme

The success of NPSP's current pre-lodgement services is largely due to the balance of effort vs reward for the applicant. The services are free, the level of information expected to be submitted is manageable and the response time is fast; so it's worthwhile doing even for small developments with modest project costs and timeframes. Additionally, the advice is coming from the Council's Assessment Manager, who will either be determining the application under delegation or providing a recommendation to the Council Assessment Panel.

For applicants going through State Design Review, the complexity and time involved in the process is often advantageous to the applicant as the pre-lodgement agreement removes the need for referrals during the assessment process. The upfront investment is also commensurate with the scale of development in terms of the project costs and timeframes. This service is also free for applicants.

The Local Design Review process is likely to take significantly longer than NPSP's current pre-lodgement service and would be more costly both to the Council, and to the applicant if a fee was charged. An applicant for smaller scale development is unlikely to see the same effort vs reward balance as compared to the current systems, at least for NPSP. The Local Design Review may be useful for other councils which see a greater number of larger developments which are determined by the council rather than SCAP.

Although the Local Design Review Panel members would provide professional advice, and the relevant authority is required to take the advice into account, there is a less direct relationship and a greater chance of a difference of opinion between the Local Design Review Panel and the relevant authority. This is problematic in the legislative requirement to take into account advice received as part of a Local Design Review Panel in determining a planning consent.

From a council perspective, a Local Design Review Panel would ideally result in a better resolved development design by the time the application is lodged, provide expert professional input to a council planner's assessment and may help support the planner's position when negotiating amendments with the applicant. This would be especially valuable to a council with less experienced staff or without other in-house support. The level of benefit will vary from council to council depending on their current systems, processes and staff experience and skill sets, in balance with the resources required to engage and maintain a Local Design Review Panel. We note that engaging an independent provider would be less resource intensive, but it's assumed most participating councils would prefer the autonomy and consistency of a council appointed Panel.

Resource Implications

Although the resource implications of the Local Design Review Scheme are not yet resolved, it will inevitably be more resource intensive and administratively burdensome than NPSP's current pre-lodgement services. NPSP would maintain the current pre-lodgement services as these cater for a broader range of customers than the Local Design Review, and therefore establishing a Local Design Review Panel would be an additional financial impost in engaging design professionals and covering the costs of registration of the service. Charging a fee to applicants would assist in offsetting costs, but

this would likely disincentivise uptake of the services and would not result in cost recovery. The 'on-demand' nature of the service would create unpredictability in the budget and administrative scheduling, and would not provide the same level of efficiency as the Council Assessment Panel meetings which are scheduled monthly to consider a more consistent volume of applications. For reference, the CAP costs in the order of \$25,000 per annum with an average of one meeting a month.

The Council's Development Plan provides detailed design content, expressed mainly through qualitative policy considerations, many of which are proposed to be removed in the draft Planning and Design Code. The extent of this design policy, to be lost from the assessment process, is detailed in the Council's submission on the Phase 3 Planning and Design Code. Good design outcomes relies on good policy settings as well as good processes, with the Council having expressed its concern with policy being removed from the Code and reliance on other non-statutory processes such as design advisory panels, the proposed Design Guidelines for Historic Area Overlay, and Design Standards. It is worth noting that due to the 'one-size-fits-all' approach of the Planning and Design Code compared to current Development Plans, a council may be reluctant to invest in a Panel which provides advice in relation to policies and zoning which are not actually supported by the council or achieving desirable outcomes.

Scope of Local Design Review Assessment

Noting that the Local Design Review Panel has a very specific role of providing design advice rather than a planning assessment, to avoid the Panel providing advice which conflicts with the subsequent planning assessment it is important for the Scheme to consider the following:

- the Panel should be aware of, and take into account, relevant statutory documents such as the Planning and Design Code and Design Standards (for public realm), as well as non-statutory documents such as Historic Area Overlay Design Guidelines and Practice Guideline – Interpretation of the Local Heritage Place Overlay, Historic Area Overlay and Character Area Overlay;
- how to deal with the implications of a Code Amendment which occurs between Local Design Review and lodgement of the application; and
- recommendations or advice from the Panel which may affect decisions of other authorities such as statutory referral bodies (e.g. recommendations affecting vehicle access on an arterial road requiring DIT input), or Council infrastructure (e.g. removal of a street tree or construction of a canopy over the footpath).

Administrative Queries

The following are administrative queries relating to the operation of the Scheme:

- How and where it is proposed the Code will specify which development types are eligible for Local Design Review? Development types are likely to vary by both zone and overlay (e.g. 3 storey development in residential zones, or all new dwellings within a particular Overlay). Would an applicant be alerted to this when making an inquiry in the online Code along with the relevant zone and policy information?
- What record keeping requirements apply to a Local Design Review Panel? If the Panel is exclusive to one council, would that council could be responsible for record keeping? A Panel which serves multiple councils would need an alternative arrangement. Would an independent provider need to keep records in accordance with the State Records Act, or would this be otherwise prescribed by the Scheme?
- What indemnity insurance is required or able to be provided to a Panel? Are they covered by the Local Government Mutual Liability Scheme, do Panel members need to hold individual insurance as part of registration, or do the responsible council(s) need to manage this separately?
- What transparency is provided as part of the Local Design Review process – Section 5.1.2(h) of the draft scheme suggests the advice remains confidential but would there be any public record of developments which are considered as part this process or are they able to be the subject of a Freedom of Information request?
- Section 6.4 refers to lodging a complaint to a designated entity in relation to the designated entity; is this an appropriate process, or should the complaint be directed to an independent body such as the Commission as per complaints about a Council Assessment Panel?

- The '*Heritage and Character in the New Planning System – A Snapshot for Practitioners*' fact sheet released by the State Planning Commission in May 2019 indicated there might be an opportunity for design review for State and Local Heritage Place developments as well as development within Historic and Character areas. The draft Scheme indicates it will be up to participating councils to determine what development is subject to the Local Design Review Scheme, but is there an intent for this to apply more consistently in the circumstances outlined in the fact sheet?

Opportunities

Local Design Review Panels, once established, will be in a good position to provide feedback on the Planning and Design Code and similar instruments for future Code Amendments

In the ePlanning Development Application Processing system the applicant is prompted during the submission process to advise whether they have a statutory pre-lodgement agreement. It is recommended that the DAP also include a question about whether the applicant has received advice through the Local Design Review Scheme.

Conclusion

The Local Design Review Scheme provides an opportunity to improve design outcomes for local 'suburban' level development. Individually these developments may be small, but they can have a significant cumulative impact on the streetscape and amenity of the local area.

NPSP supports the intent of the Scheme, however at this stage it is considered that the Scheme is overly resource intensive, onerous to proponents and time consuming to suit the nature of development proposals we receive. The Council's existing pre-lodgement advice service provides greater flexibility, whilst at the same time providing proponents with the level of guidance and certainty they are seeking prior to lodging a development application. The City of NPSP have suitably trained and experienced Planning staff who, together with input from the Council's Heritage Advisor, are able to apply the relevant design policies to achieve high quality urban design outcomes.

Yours sincerely



Emily McLuskey
SENIOR URBAN PLANNER