



21 August 2020

INSTITUTE RESPONSE TO THE DRAFT LOCAL DESIGN REVIEW SCHEME

The Australian Institute of Architects, SA Chapter, is pleased to be able to make a response to the Draft Local Design Review Scheme (the Draft Scheme). The Institute has made previous submissions in relation to the development of the PDI Act 2016 and the associated documents, including a submission regarding Local Design Review in June 2020.

The Institute understands that the Draft Scheme has been prepared to set out consistent procedural requirements for Councils and independent Design Review providers who wish to provide Local Design Review services to the community. The Institute also understands that Local Design Review is a Practice Direction required by the PDI Act 2016 to satisfy the requirements of *Section 121- Design Review*, with design review intended as a mechanism by which the objectives of *Section 59 - Design Quality* will be delivered. We note that Local Design Review is distinct from State Design Review for the purposes of the Act, with the latter falling under *Section 122 - Referrals to other authorities or agencies*.

RESPONSE TO THE DRAFT LOCAL DESIGN REVIEW SCHEME

The following comments relate directly to the Draft Scheme and its context within the PDI Act 2016. The comments are framed within the Institute's overall position that design matters within the development process should be dealt with by design professionals, just as other matters within the planning system are dealt with by professionals in their relevant field, for example: traffic, planning environmental impact etc.

Application of Local Design Review

The Scheme stipulates that each council offers local design review and that each council will also be responsible for setting the prescribed classes of development which local design review will be available for. The Institute supports this in that it will enable, with endorsement by the Commission, councils to define the types of development which they consider are critical for delivering improved built environment outcomes through the review of design quality. This provides an opportunity for local character and priorities to be reflected within the planning system.

In addition, the Institute recommends that the following criteria are included as triggers for local design review for all councils:

- Any subdivision of existing property subject to any of the following Overlays: Affordable Housing; Character Area; Heritage Adjacency; Historic Area; Local Heritage Place; State Heritage Area; State Heritage Place
- All development within selected zones with significant impact and upscaling - e.g. urban corridor



SA Chapter

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

- All projects over 3 storeys in any zone
- All projects in any zone which requires a change of use away from selected uses (further discussion on uses but suggest residential, primary production, community as examples)
- All projects in any zone which require performance-based assessment because design quality is a component of that assessment.

This will provide a base level of design review engagement where council specific requirements have not been established.

Voluntary Engagement

The Draft Scheme Clause 2.2 states that Local Design Review will only be available in council jurisdictions that opt to participate in the Scheme. This will leave jurisdictions which do not choose to participate in the Scheme without a key mechanism for promoting and improving design quality.

We note that the other mechanisms for achieving design quality, as stated on the SA Planning Portal, are:

- The State Planning Policies – these documents provide a framework but do not have any direct application within the approval process
- The Planning and Design Code – design quality is primarily defined in performance outcomes, which, in the absence of a design review process, will be assessed by a planner, who has no formal training in design. Design quality should be assessed by registered architects (or other suitably qualified design professionals in cases where applications have significant urban planning or landscape components) who are the experts in this aspect of the approval process.
- Design Standards – As stated on the SA Planning Portal, none of these documents have been prepared to date.

As a result, design quality will be unsupported in jurisdictions that do not offer design review. This is inconsistent with the intent of the Act in relation to improving design quality.

We also note that the Section 121 (2) of the Act states that ‘a person who is undertaking development to which this section applies may apply to a design panel for advice’. This will not be possible for some proponents if design review is only offered in council areas that chose to provide this service.

Therefore, the Institute strongly recommends that Local Design Review be required to be delivered in all council areas. This will provide an equitable and consistent process across the State and meet the intent of the Act.



SA Chapter

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Establishing Design Review

The Draft Scheme states that a design review panel can be established by a council or an independent body and that Design Review Administrators – council and independent – must be approved by Commission and act in accordance with the Scheme. While this will provide a degree of consistency, the Institute suggests that one pool of panel members be established that all councils can access to populate local design review panels for assessment of specific applications.

We also recommend that ODASA be the administrator of this central pool of panellists on the basis that ODASA:

- has significant experience in the management and delivery of design review
- is well equipped to administer the Design Review Panel including providing induction and training
- can provide a consistent framework for design review at all levels within the State

Consistency in administration, training and delivery is important to provide proponents with a system that is clearly understood, consistent in its advice and application, and respected by the community.

The costs for ODASA to administer the central pool of design review panellists could be offset by charging a service fee to Councils, who would not incur costs associated with establishing and administering their own panels.

Fees for Local Design Review

The Act states in Section 121 Clause 3c that an application for Local Design Review must be 'accompanied by the prescribed fee'. The Institute advocates for a prescribed fee of \$0, or alternatively for the local design review fee to be deducted from the Development Application Fee on the basis that:

- Design review is an effective mechanism for achieving design quality, which is a core objective of the Act
- Effectively removing the fee for local design review will provide an incentive for proponents to participate
- Charging a fee for local design review is inconsistent with State Design Review, which is provided at no charge to proponents.

The Institute also recommends, as per our previous submissions, that design review be made available where the class of development does not require design review on a fee for service basis at their request of the proponent.



SA Chapter

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Design Panel Selection Process

The inclusion of specific criteria for selection of design panel members in the Scheme is strongly supported and essential in establishing confidence in the process. However, the Institute recommend that Clause 2.5 2(a) be amended to read:

All panel members and Chairs must have an AQF Level 9 = Masters Degree (or equal awarded previous to the adoption in Australia of the Bologna Process for Tertiary Education in 2009) in one of the following fields:

- I. Architecture*
- II. Ecologically Sustainable Environmental Design*
- III. Landscape Architecture*
- IV. Urban Design*

This will ensure that panel members have attained a qualification that provides them with the expertise to engage in design review to high professional standard and provide a consistent requirement for education to that required by the Accredited Professionals Scheme.

Design Panel Chair

The Institute also recommend that all Local Design Review Panel Chairs be drawn from the State Design Review panel, which will ensure that they have prior experience in design review and are well equipped to manage the process or provide high-level advice in the instance where the panel comprises one person.

Induction of Panel Members

The Draft Scheme requires that an induction process occurs for panel members but is currently silent regarding training. While we understand that at the current time the Government Architect guidelines for induction referenced in the Draft Scheme includes training, the Institute recommends that a specific reference to training be included in Section 2.7 of the Draft Scheme. Training of panel members is critical to the delivery of a robust and trusted design review process that delivers consistent outcomes for proponents.

Payment of Panel Members

The Draft Scheme does not include any recommendations regarding payment to panel members. The Institute recommends that panel members be paid an honorarium per panel meeting, that the amount paid to local design review panellists is consistent with the honorarium paid to State Design Review panel members and that this requirement is included in the Scheme.

Design Advice

The Institute supports the requirement for consistent Design Advice in the Draft Scheme and notes that the proposal to develop a Design Advice proforma that structures the response according to principles of good design is logical. For applications are of greater complexity there should be an option for further written advice similar to the letter provided by State Design Review.



Status of Design Advice in the Planning System

The Institute has advocated in previous submissions that design advice should be mandated within the planning system. However, we are aware that the Act does not enable this without amendment.

While this is the case, Section 121 Clause 7 of the Act states that 'the relevant authority must...take into account any advice provided by a design panel'. This is reiterated in the Draft Scheme in Clause 5.5. The Institute recommends that this clause in the Scheme be augmented to include a requirement that applications subject to design review be resubmitted to the design review panel for consideration when amendments to the application are sought.

This would address the current situation, where proponents vary the approved design, often as a series of 'minor amendments', which are then signed off under delegation by the council planning staff. The result is the erosion of design quality achieved through the design review process. This is particularly critical where over-height applications are approved on the basis of design review, with the subsequent erosion of the design quality having significant impact on the environment and the community.

Monitoring, Performance and Complaints

The Institute supports the annual evaluation required in the Draft Scheme. Evaluation will support analysis of the effectiveness of the design review process, provide evidence to support its value and identify where improvements can be made. The Institute recommends that these reports are made publicly available to provide transparency and community confidence. Public reporting in relation to the evaluation of State Design Review is also recommended.

In addition, the Institute recommends that the evaluation process extend to a review of built outcomes to ensure that what is delivered on site is consistent with what was endorsed during the design review process. This will also address our concerns outlined in *Status of Design Advice in the Planning System* above. This recommendation should also apply to the State Design Review process for consistency.

CONCLUSION

The commentary provided by the Institute in relation to the Draft Local Design Review Scheme has been made in the context of the PDI Act, the supporting Planning Instruments and the objectives of the Expert Panel on Planning Reform. The *Our Ideas for Reform* Report stated that planning decisions 'can and must be clear, transparent and reliable, driven by evidence, and executed professionally' and 'provide and engender certainty and confidence'.¹ In order to support these objectives, it is vital that design review is delivered to a high professional standard and in a manner that is consistent for all proponents.

There should not be a two-tier system created where the procedures for State Design Review vary from those relating to Local Design Review. This suggests that large scale development has a greater impact on the quality of our built environment. While this may be true on an individual



basis, the collective impact of many poorly designed buildings is equally damaging to the amenity, environmental performance and character of an area.

It is also critical that design review is provided by people with the correct expertise. Where applications are primarily concerning built form, this is a registered architect, whose education, experience and professional obligations under the Architectural Practice Act 2009 equip them provide informed, impartial and meaningful design advice.

Finally, it is important that the advice provided by design review is realised in the constructed outcome. If advice provided for consideration within the approval process is subsequently value managed out of the project or not delivered in the built outcome, there will be minimal improvement in design quality, proponents will not be provided with consistency or certainty and community confidence in the planning system will be diminished.

Establishment of a robust, well managed and sustainably resourced design review process is supported by the Institute as an effective instrument for supporting and delivering the design quality objectives that are clearly articulated in the PDI Act 2016.

ⁱ Our Ideas for Reform – A Message from the Expert Panel

