

There is also no indication about any process to 'fine-tune' the specified classes of development in future, nor who would hold responsibility to specify classes of development within the Code where an independent provider arrangement was in place.

Council respectfully suggests that the designation process should be a formality following registration of a Council as a Designated Entity (if that requirement is maintained) with a Code Amendment being a "Complying change" under Section 75 of the *Planning, Development and Infrastructure Act 2016* (the Act). Council also suggests that the Scheme and associated Code Amendment process include the ability to fine-tune the specified classes of development, perhaps linking this to the proposed routine reporting and monitoring process.

A fragmented approach to Design Review

The Act appears to envisage a single Design Review scheme for the State, whereas the draft Scheme appears to only apply to councils and independent providers, with the existing state ODASA process running separately under the Section 122 referral arrangements. Council's concerns with this are:

- Potential duplication of design review options in the metropolitan area
- The unfair treatment of non-metropolitan councils in that metropolitan councils could decide to continue to rely on the 'free' ODASA process whereas non-metropolitan councils would need to go through the formal registration and Panel member recruitment processes bearing all the associated Panel costs
- A confused public with two different 'design review' systems

Design panel member pools and appointment to panels

The Act clearly indicates that a panel will only be established on receipt of an application by a person who is considering undertaking development. Council interprets this to mean that a design panel will have a limited life and in theory multiple design panels could be in place at the same time in a council area, each dealing with different proposals. Based on the draft scheme Council understands that a design panel for a particular proposal would comprise one or more independent members selected from a 'pool' that the designated entity has previously established.

Council sees merit in the concept of a pool of suitably qualified and experienced independent members but is concerned that the draft scheme does not clearly separate the initial establishment of the pool of members from the separate and periodic appointment of a panel. As an example, Sections 2.5 and 2.6 suggest that notification be given to the Chief Executive and induction of members be undertaken each time a panel is appointment whereas it would seem appropriate for this to occur when the initial panel member pool is established, not each time a design panel is established for a one-off proposal.

General observations and comments

The following comments are made on specific provisions in the Draft for Consultation:

- 2.4: Item 2 indicates: "All persons within a panel member pool established by a Local Design Review Administrator must be independent from the council and any relevant authority appointed by that council."; however Council does not appoint relevant authorities, rather they are designated by the Act
- 5.2-1: Should this explicitly state that the signed design advice needs to be provided to the proponent? In other words, 5.2-2 indicates this, but not 5.2-1
- 5.4-1: Should the proponent be obliged to advise the designated authority that they have lodged a development application?
- 5.4-3: "council" should read "the relevant authority" in that a council would not be receiving the development application but the council assessment panel, Assessment Manager or an accredited professional. Also, why would only the council undertake a concurrence check and not an independent administrator?
- The design review scheme refers to 'designated entity' (means a Local Design Review Administrator or Independent Design Review Administrator) however it is noted this is defined differently in the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* (an assessment panel acting as a relevant authority or the assessment manager). As the scheme calls up the regulations these different definitions could create confusion.

