

# LOCAL DESIGN REVIEW SCHEME FOR SOUTH AUSTRALIA

Engagement Summary Report  
March 2021









*Design Review is a pre-lodgement service that supports high-quality design outcomes, improves access to independent design expertise and assists with informed decision-making during development assessment.*



Local Design Review Scheme for South Australia: Engagement Summary Report  
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Covers of the draft Local Design Review Scheme for South Australia and the Consultation Guide



## Executive Summary

This report summarises the public consultation process undertaken on the draft Local Design Review Scheme for South Australia.

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 achieves this is by creating more opportunities for proponents to participate in Design Review under the new Local Design Review Scheme (the Scheme).

State Design Review has operated successfully in South Australia since 2011 and is available to larger-scale development proposals assessed by the State Commission Assessment Panel (the SCAP) that are referred to the South Australian Government Architect. The Local Design Review Scheme introduces a consistent approach for councils to deliver Design Review across the state for locally assessed development proposals.

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

The draft Local Design Review Scheme was made available for public comment for eight weeks from 26 June to 21 August 2020.

ODASA received 39 submissions in response to the draft Scheme from councils, the planning, design and development industries and members of the community. The ODASA team reviewed each submission and identified the following key themes:

Strengths of the draft Scheme:

- Intent and purpose of the Scheme
- Consistent approach to Local Design Review
- Flexibility and scalability of the Scheme
- Principles of Design Review and the Principles of Good Design
- ODASA's early and collaborative approach to preparing the draft Scheme
- ODASA's ongoing role

Clarification required on:

- Resourcing and financial implications
- Format of the design advice
- How the Planning and Design Code will give effect to the Scheme
- Role of council planners in Local Design Review
- Content of the Local Design Review guidance material
- Establishing a design panel and its composition
- Multiple Design Review sessions
- Design panel indemnity and insurance requirements

Opportunities for improvement:

- Simplifying the Local Design Review process
- Obtaining a design opinion on a lodged development application

ODASA updated the Scheme to reflect the feedback received during the public consultation process. In early 2021, the updated Scheme was subject to further testing and refinement through a targeted consultation process with council staff and representatives from peak industry bodies.

In February 2021, the Minister approved the Scheme to commence on 1 July 2021.

# I. Introduction

## I.1. Context

### *South Australia's Planning Reform*

South Australia's new planning system is underpinned by the *Planning, Development and Infrastructure Act 2016* (the PDI Act), which replaces the *Development Act 1993*.

Section 121 of the PDI Act enables the Minister for Planning and Local Government (the Minister) to establish a Design Review scheme, where a person who is considering undertaking certain types of development may apply to a design panel for advice.

### *Design Review*

Design Review is a pre-lodgement service that supports high-quality design outcomes, improves access to independent design expertise and assists with informed decision-making during development assessment.

During Design Review, an independent panel of built environment experts review the design quality of a development proposal before it is lodged for assessment. The role of a Design Review panel is not to redesign development proposals, but rather to identify and discuss opportunities to encourage high-quality design with the proponent.

Design Review provides proponents with the opportunity to obtain independent design advice from the panel to assist with design development. The design advice is also provided to the relevant authority for consideration during development assessment.

State Design Review has operated successfully in South Australia since 2011 and is currently available to larger-scale development proposals assessed by the State Commission Assessment Panel (the SCAP) that are referred to the South Australian Government Architect. State Design Review will continue for these larger-scale development proposals in the new planning system.

## I.2. Purpose of the Local Design Review Scheme

Councils in South Australia are increasingly offering design advisory services to proponents in varying formats. The Local Design Review Scheme introduces a consistent approach to delivering Local Design Review across the state and supporting council staff, private sector professionals and proponents by:

- supporting high-quality design
- improving access to independent and expert design advice early in the planning and design process
- supporting consistent and informed planning decisions
- facilitating collaboration between allied professionals
- supporting the planning system to meet objects and principles in the PDI Act.





*Design quality of the built environment not only relates to the 'look and feel' of buildings and places, but also to how successfully they meet the needs of the people who use and experience them. High-quality design helps to make buildings and places better for people, our environment and the economy.*



## 2. Preparing the Local Design Review Scheme

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

### 2.1. Early collaboration with councils and industry

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 council and stakeholder needs and expectations in relation to Local Design Review. This early feedback guided the development of the draft Scheme.



On 3 March 2020, the ODASA team hosted a workshop with council staff who took part in the pre-consultation engagement from:

- Campbelltown City Council
- City of Adelaide
- City of Mitcham
- City of Prospect
- City of Tea Tree Gully
- Rural City of Murray Bridge
- Yorke Peninsula Council

The purpose of this workshop was to review the first draft of the Scheme and discuss how it might work in practice and how it could be improved.

ODASA also collaborated with the Office of the Western Australian Government Architect (OWAGA) when drafting the Scheme. Local Design Review has been operational in Western Australia for over 16 years with the OWAGA providing support to councils.

ODASA staff also tested principles and processes in relation to the draft Scheme with additional members of the Government Architects Network of Australia.

## 2.2. Draft Local Design Review Scheme

On 21 May 2020, the State Planning Commission endorsed the draft Scheme to proceed to public consultation.

On 9 June 2020, the previous Minister for Planning approved the draft Scheme for public consultation.



### 3. Engagement Approach

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.

A consultation guide was also prepared to provide additional information about the draft Scheme and the Design Review process.

#### 3.1. YourSAy

ODASA launched a Local Design Review Scheme engagement page and social media campaign on 26 June 2020 through the Department for Premier and Cabinet's YourSAy consultation website:

- [yoursay.sa.gov.au/local-design-review-scheme](https://yoursay.sa.gov.au/local-design-review-scheme)

The YourSAy website was the primary source of information on the draft Scheme and encouraged feedback via:

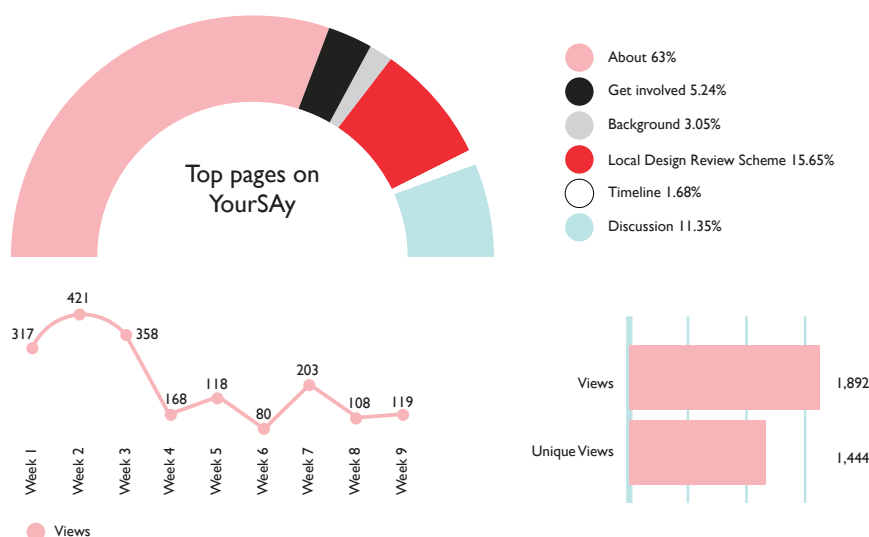
- email: [ODASAConsultation@sa.gov.au](mailto:ODASAConsultation@sa.gov.au)
- online discussion: [yoursay.sa.gov.au/discussions/local-design-review-scheme-for-south-australia](https://yoursay.sa.gov.au/discussions/local-design-review-scheme-for-south-australia)
- post: ODASA Consultation, 28 Leigh Street, Adelaide SA 5000

Interested parties could also contact the ODASA project team directly to discuss the draft Scheme.

The YourSAy website included links to the:

- draft Local Design Review Scheme
- consultation guide
- ODASA website
- PlanSA Portal (previously the SA Planning Portal)

The online YourSAy engagement was promoted by email and social media. Overall, this campaign achieved a combined reach of 49,893 views and generated 1,892 visits to the website to learn more.

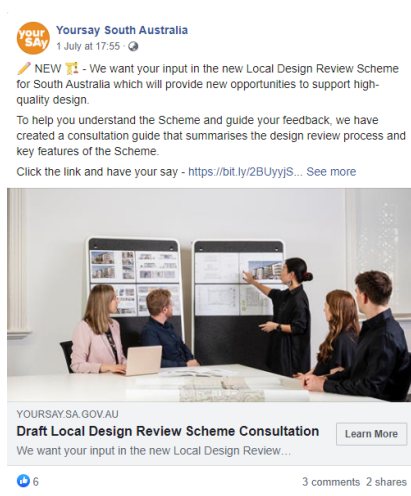


## 3.2. Promoting the consultation

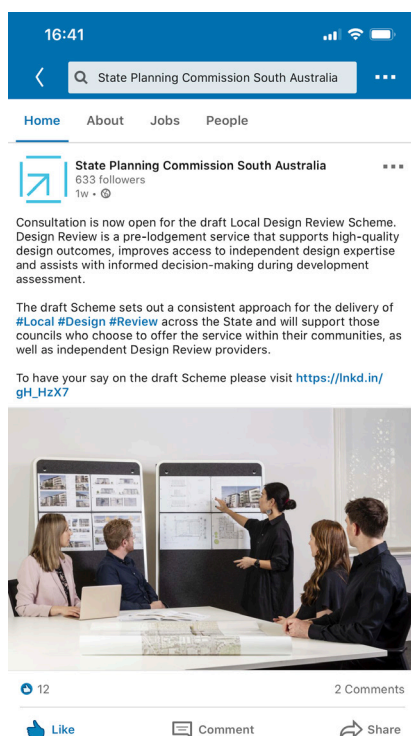
### 3.2.1. Social media campaign

The YourSAy social media campaign included Facebook, Twitter and Instagram. These platforms were used to promote the consultation and encourage feedback throughout the eight week consultation period.

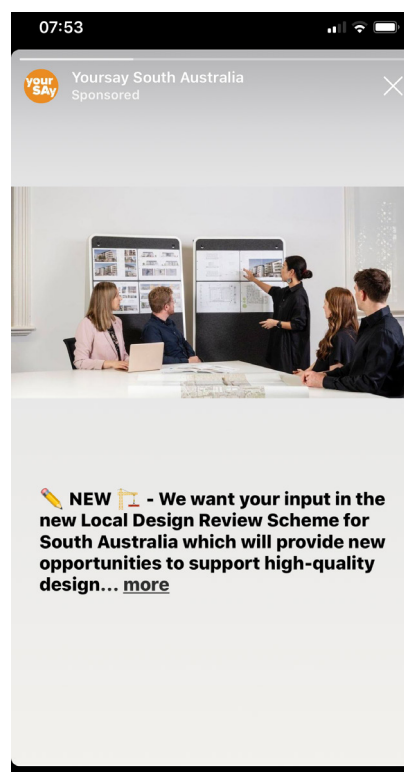
The State Planning Commission's LinkedIn account was also used to promote the engagement opportunity.



YourSAy Facebook post



State Planning Commission LinkedIn post



YourSAy Instagram post



YourSAy Twitter post

### 3.2.2. Direct correspondence

On 26 June 2020, ODASA distributed correspondence advising that consultation on the draft Scheme was open and to encourage submissions. This correspondence was sent to:

- the Chief Executive of each South Australian council
- the Local Government Association
- presidents of peak industry bodies:
  - o Australian Institute of Architects
  - o Australian Institute of Landscape Architects
  - o Planning Institute of Australia
  - o Property Council of Australia
  - o Urban Development Institute of Australia

### 3.2.3. Planning Ahead newsletter

Planning Ahead is a digital newsletter prepared by the Planning and Land Use Services Division within the State Government. It provides news about the planning system and has around 1,950 subscribers.

An article promoting consultation on the draft Scheme was included in the 30 June 2020 edition: [plan.sa.gov.au/news/view\\_newsletter?newsitem=679938](https://plan.sa.gov.au/news/view_newsletter?newsitem=679938)

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## Consultation on draft Local Design Review Scheme for South Australia is now open



South Australia's new planning system places greater emphasis on the design quality of our built environments. One of the ways it will do this is by creating more opportunities to participate in Design Review under a new Local Design Review Scheme.

Design Review is an independent evaluation process where a panel of built environment experts review the design quality of a development proposal before it is lodged for assessment. Design Review supports high-quality design outcomes, improves access to independent design expertise and assists with informed decision-making during development assessment.

The **draft Scheme** sets out a consistent approach for the delivery of Local Design Review across the State and will support those councils who choose to offer the service within their communities and independent Design Review providers.

A **consultation guide** has also been prepared and should be read in conjunction with the draft

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*Planning Ahead newsletter article (30 June 2020 edition)*

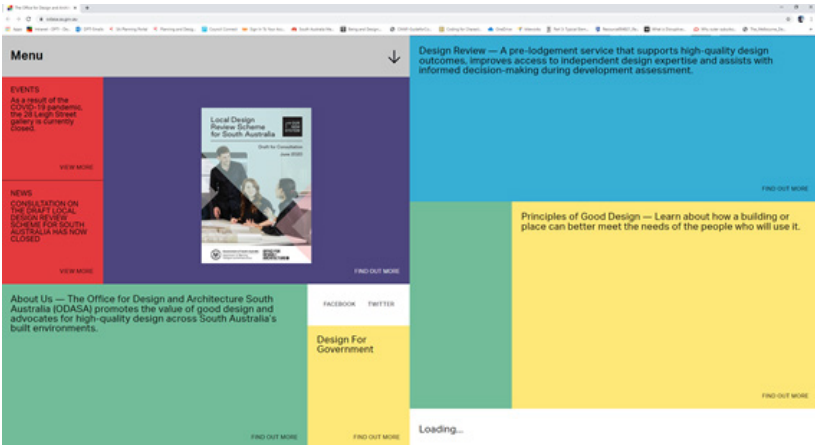


3.2.4. State Government websites

Consultation on the draft Scheme was also promoted on a number of State Government administered websites.

ODASA website:

- promotional image on homepage
- news item



ODASA website homepage with Local Design Review Scheme promotional image

PlanSA Portal (previously the SA Planning Portal):

- homepage banner
- news item



PlanSA Portal (previously SA Planning Portal) homepage banner

State Planning Commission website:

- homepage banner
- news item





State Planning Commission website homepage banner

### 3.2.5. Council Connect

Council Connect is an interactive online forum where the State Government and councils discuss aspects of the planning system.

On 26 June 2020, staff from Planning and Land Use Services posted on Council Connect advising councils that the draft Scheme was open for consultation and to encourage feedback.

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**Government of South Australia**  
Department of Planning,  
Transport and Infrastructure

Posted June 26, 2020 Report post

Hi everyone,

Consultation has opened today for the draft Local Design Review Scheme for South Australia.

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 will do this is by creating more opportunities to participate in Design Review under a new Local Design Review Scheme.

Design Review is an independent evaluation process where a panel of built environment experts review the design quality of a development proposal before it is lodged for assessment.

The draft Scheme sets out a consistent approach for the delivery of Local Design Review across the State and will support those councils who choose to offer the service within their communities, as well as independent Design Review providers.

Feedback on the draft Scheme is now being sought from councils, industry professionals and any other interested parties. Please ensure you provide your feedback on the draft Scheme by **Friday 21 August 2020** through any of the following channels:

- **Email:** [DPTI.ODASAconsultation@sa.gov.au](mailto:DPTI.ODASAconsultation@sa.gov.au)
- **Online:** [yoursay.sa.gov.au/local-design-review-scheme](https://yoursay.sa.gov.au/local-design-review-scheme)
- **Post:** ODASA Consultation, 28 Leigh Street, Adelaide SA 5000

If you would like to speak with someone about Local Design Review, please contact ODASA on 8402 1884 during business hours (9am - 5pm, weekdays).

A consultation guide has also been prepared to provide background information and should be read in conjunction with the draft Scheme. The draft Scheme and consultation guide can be downloaded via the [YourSAy website](#).

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*Council Connect post, 26 June 2020*

### 3.2.6. Leigh Street window display

A display banner was installed in the ODASA office window at 28 Leigh Street. The banner promoted consultation on the draft Scheme and included QR codes that linked to the YourSay page and PlanSA Portal.



28 Leigh Street window banner



### 3.2.7. Industry newsletters and social media

Some peak industry bodies also promoted the consultation to their members and professional networks on behalf of ODASA.

#### Planning Institute of Australia and SA Young Planners

##### NEWS FROM DPTI

As a part of the continued testing of the new Planning System the reform program is looking for Planners, Building Surveyors and Development Professionals to assist in testing the system.

This involves an induction, provision of access to the system, undertaking of tests and an opportunity to review and provide feedback on our new system.

If you have a minimum of two days free and would like to get involved, please contact Clare Ashmeade at [Clare.Ashmeade@sa.gov.au](mailto:Clare.Ashmeade@sa.gov.au)

Stay up to date with the latest news from the Department of Planning Transport and Infrastructure. Subscribe to the monthly Planning Ahead newsletter and past and current newsletters [here](#).

##### Phases 1 and 2 of the code now publicly available for familiarisation

South Australia's new Planning and Design Code (the Code) covering the State's outback and rural areas is now available for the general public to access for familiarisation purposes ahead of the Minister's formal adoption of the Code and the planned implementation for Phase Two (Rural Areas) on 31 July 2020.

To ensure all South Australians are confident and familiar with the new planning system, the Minister for Planning and State Planning Commission are providing the community with an opportunity to access the online Code for Phase One (Outback Areas) and Phase Two (Rural Areas) via the new ePlanning platform at [www.code.plan.sa.gov.au](http://www.code.plan.sa.gov.au).

Read Michael Lennon, Chair, State Planning Commission letter [here](#)



##### Consultation now open on the draft Local Design Review Scheme for South Australia

South Australia's new planning system places greater emphasis on the design quality of our built environments. One of the ways it will do this is by creating more opportunities to participate in Design Review under a new Local Design Review Scheme.

Design Review is an independent evaluation process where a panel of built environment experts review and discuss the design quality of a development proposal before it is lodged for assessment. Design Review supports high-quality design outcomes, improves access to independent design expertise and assists with informed decision-making during development assessment.

[Read more](#)

*Planning Institute of Australia eNews  
(9 July 2020)*



*SA Young Planners Facebook post  
(9 July 2020)*

#### Australian Institute of Landscape Architects

##### INDUSTRY NEWS



##### Local Design Review Scheme on consultation until 21 August 2020

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 will do this is by creating more opportunities to participate in Design Review under a new Local Design Review Scheme.

Design Review is an independent evaluation process where a panel of built environment experts review the design quality of a development proposal before it is lodged for assessment.

The draft Scheme sets out a consistent approach for the delivery of Local Design Review across the State and will support those councils who choose to offer the service within their communities, as well as independent Design Review providers.

[Read More](#)

*Australian Institute of Landscape Architects eNews (8 July 2020)*



##### AILA SA Roundtable - LOCAL DESIGN REVIEW

Wednesday 29 July - 12:30pm - 2:00pm

The Local Design Review Scheme is on consultation until 21 August 2020. Join the AILA SA Executive to discuss this consultation paper to inform the AILA SA submission. The draft Scheme sets out a consistent approach for the delivery of Local Design Review across the State and will support those councils who choose to offer the service within their communities, as well as independent Design Review providers.

[Email to register your attendance and request the meeting link.](#)

*Australian Institute of Landscape Architects roundtable event (29 July 2020)*

### 3.3. Events

During the consultation, ODASA staff presented information about the draft Scheme to various stakeholders. The purpose of each event was to inform participants, answer their questions and encourage submissions.

The table below summarises the engagement events presented by the ODASA team.

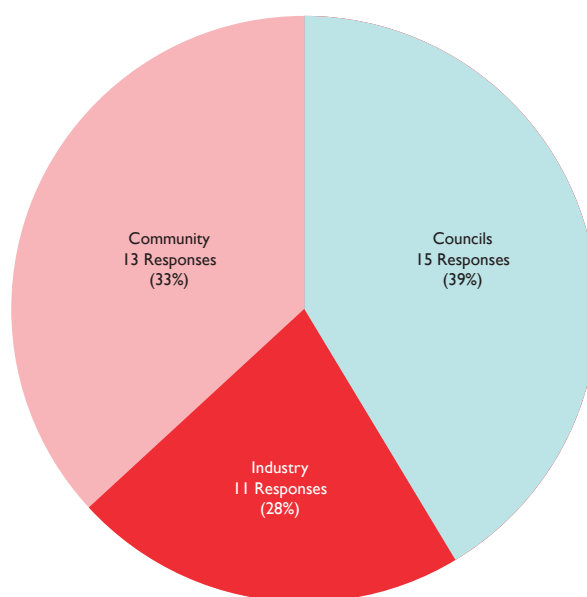
Host	Format	Date	Primary Audience	Registrations
Local Government Association (LGA)	Webinar	30 July 2020	LGA and council staff	40
Planning Institute of Australia (PIA) and Australian Institute of Urban Studies (AIUS)	Webinar	11 August 2020	Planning and urban development professionals	47 (PIA) 13 (AIUS)
Australian Institute of Architects (AIA)	In-person workshop with members of the AIA's SA Planning Committee	12 August 2020	Architects	6
Urban Development Institute of Australia (UDIA)	Webinar	13 August 2020	Development industry professionals	20

## 4. Consultation Feedback

ODASA received **39 submissions** in response to the draft Scheme. Respondents are broadly categorised as council, industry and community cohorts.

All submissions are publicly available on the PlanSA Portal: [plan.sa.gov.au/development\\_applications/case\\_management\\_services/design\\_review](https://plan.sa.gov.au/development_applications/case_management_services/design_review)

39 submissions





## 4.1. Key themes

ODASA reviewed each submission and identified key themes in relation to the draft Scheme, including the strengths, areas for clarification and opportunities for improvement.

The draft Scheme and the approved Scheme can be accessed from:

- ODASA website: [odasa.sa.gov.au](https://odasa.sa.gov.au)
- PlanSA portal: [plan.sa.gov.au](https://plan.sa.gov.au)

### 4.1.1. Strengths of the draft Scheme

#### *Intent and purpose of the Scheme*

Most submissions provided support for the intent and purpose of the Scheme, which are outlined in section 1.5 of the draft. Feedback in relation to the intent and purpose included:

- supporting Design Review as a method of improving the design quality of development applications, resulting from a multi-disciplinary approach and opportunity for input from experts;
- supporting the increasing involvement of independent design professionals in the planning and assessment process in relation to design matters, just as other matters are dealt with by professionals in their relevant fields, such as: traffic, environmental impact and heritage; and
- acknowledging that pre-lodgement Design Review can significantly improve the quality of development applications, making them increasingly 'assessment ready' for the local relevant planning authority.

Some submissions also highlighted the positive impact Design Review can have through facilitating collaboration between allied professionals, including planners, architects and landscape architects. A statement to this effect has been included as an object in the updated Scheme.

#### *Consistent approach to Local Design Review*

The majority of respondents supported the consistent approach to Local Design Review established by the draft Scheme. In particular, consistency in administration, training and advice is considered beneficial for designated entities (Local Design Review Administrators and Independent Design Review Administrators), panel members, proponents and industry professionals.

It will also provide proponents with a consistent customer experience across the state.

### *Flexibility and scalability of the Scheme*

A number of respondents identified the flexibility and scalability of the Scheme to support councils and proponents across different contexts as a strength. Particular focus was given to:

- enabling designated entities to recruit a panel member pool of multi-disciplinary experts, from which they can establish design panels tailored to specific development proposals on an as-needs basis;
- enabling councils to establish joint Local Design Review panels with neighbouring and non-neighbouring councils to allow the pooling of resources and greater access to a diverse range of design expertise;
- providing the opportunity for councils to procure a design panel from an Independent Design Review Administrator; and
- supporting constituent councils to engage their panel members to undertake peer review of projects that are not classified as development under the PDI Act, such as public realm, open space and streetscape upgrades.

### *Principles of Design Review and the Principles of Good Design*

There was strong support from the majority of respondents for the Principles of Design Review and the Principles of Good Design, which appear in sections 1.3 and 1.4 of the draft Scheme respectively.

The Principles of Design Review, which aim to maintain a robust and independent process focused on high-quality design advice underpin the Scheme and also guide South Australia's State Design Review program, as well as interstate and international programs.

Some respondents suggested how these principles may be improved, such as including planners under the 'Multidisciplinary' principle to reflect the importance of their involvement in the process. A number of suggestions in relation to these principles have been incorporated into the updated Scheme to reinforce the localised context.

South Australia's Principles of Good Design are well established and have guided the State Design Review program since its inception in 2011. In 2019 the principles were embedded in the new planning system through the State Planning Policies (State Planning Policy 2: Design Quality) and were subject to public consultation at that time.

The Principles of Good Design remain unchanged in the updated Scheme.

### *ODASA's early and collaborative approach to preparing the draft Scheme*

ODASA's early engagement and collaboration with councils and peak industry bodies was acknowledged and supported across the majority of submissions.

ODASA is committed to maintaining a high-level of engagement and collaboration to ensure the Scheme and Local Design Review program serve all parties and achieve their intent and purpose.

### *ODASA's ongoing role*

Respondents strongly supported ODASA's commitment to ongoing involvement in the Local Design Review process. In particular, supporting designated entities by maintaining the guidance material, providing advice and undertaking reporting.

ODASA is committed to this role in an ongoing capacity to support users of the Scheme and uphold the integrity of Design Review in South Australia. The ODASA team will also oversee the ongoing operation of the Scheme on behalf of the Minister and support the State Planning Commission, Chief Executive of the Attorney-General's Department and any other bodies with prescribed functions under the Scheme.



*Image by Sam Noonan*



#### 4.1.2. Areas for clarification

##### *Resourcing and financial implications*

It is acknowledged that the draft Scheme did not include specific information relating to the resourcing or financial implications for councils, proponents or the State Government.

Resourcing commitments may vary between councils given the flexibility of the Scheme. For example, administering a joint design panel with another council is likely to offer a reduction in resourcing requirements.

In relation to financial implications, the draft Scheme envisaged three transaction types, which will be finalised before the Scheme becomes operational:

- Registration fee - section 2.3.3(d) of the draft Scheme  
  
Payable by designated entities to the State Government when they register to participate in the Scheme and upon renewal (three-yearly). The fee will be modelled on ODASA's resourcing requirements to train council staff and panel members.
- Panel member remuneration - section 2.6.1 of the draft Scheme  
  
Payable by councils to their panel members for their time. For example, participation in Design Review sessions and preparing design advice.  
  
This fee would be set through an agreement between each designated entity and their panel members.  
  
Feedback suggested that it may be helpful for ODASA to produce a fee schedule to guide panel member remuneration based on industry rates. In response, ODASA will prepare a guiding fee schedule for councils in collaboration with relevant industry bodies.
- Application fee - section 3.2.2(d) of the draft Scheme  
  
Payable by proponents to councils when applying for Local Design Review.  
  
Despite the provision for charging an application fee in the PDI Act, the majority of respondents recognised that not charging for Design Review is a significant incentive to encourage proponent participation.  
  
The options for councils to charge all, some or none of this fee will be explored and communicated to councils.

### *Format of the design advice*

Design Review provides the opportunity for proponents to obtain independent design advice from the panel. The design advice is a clear and objective summary of the Design Review session and is provided to the proponent to assist with design development. The design advice is also provided to the local relevant planning authority for consideration during development assessment.

Section 5.1.2 of the draft Scheme required that design advice be in an approved template. Respondents generally support consistent design advice, but sought clarity on its format.

A design advice template structured around the Principles of Good Design will be produced by ODASA and provided to all participating councils as part of the guidance material. The template will be prepared with Local Design Review in mind and be subject to testing and refinement prior to the Scheme becoming operational. A similar template is used for Local Design Review in Western Australia, which will be reviewed and assessed for its effectiveness.

Clarification was also sought around the confidentiality of design advice produced under the Scheme. Section 5.1.2(h) of the draft Scheme states that the design advice 'must remain confidential'.

It is standard practice in South Australia's State Design Review program that design advice remains confidential during pre-lodgement, when the design of the proposal is subject to change as it develops. The final design advice is then made public with the completed development application once it is lodged for assessment.

Similarly, it is envisaged that the final design advice produced under the Local Design Review Scheme can be made public with the lodged development application.

The Scheme has been amended to provide greater clarity in relation to this matter.

### *How the Planning and Design Code will give effect to the Scheme*

Section 121(1) of the PDI Act states that the Local Design Review process 'applies in relation to development of a class specified by the Planning and Design Code'. This was echoed in section 2.1 of the draft Scheme.

A number of respondents acknowledged that the Planning and Design Code (the Code) was silent on Local Design Review and requested further information.

The process for specifying eligible classes of development is being developed by the State Planning Commission, ODASA and the Planning and Development Directorate of the Attorney-General's Department and will be consulted on prior to operation of the Scheme. It is envisaged that Local Design Review be available only to certain classes of development that are performance assessed against the Code.

The Local Design Review Scheme Consultation Guide encouraged respondents to provide their views on this process, with recommendations including:

- Council involvement in specifying eligible classes of development

Respondents strongly supported councils determining which classes of development are eligible for Local Design Review in their area. Council involvement in this process has always been considered essential and is evidenced on page six of the Local Design Review Scheme Consultation Guide.

- A consistent approach to specifying eligible classes of development

Respondents acknowledge that a benefit of the State's planning reform is providing greater consistency in the planning process. This led to some respondents recommending that the process for specifying eligible classes of development within the Code be consistent across council areas. The State Planning Commission and ODASA have always envisaged consistency in this process across councils.

It was also suggested that a standardised list of eligible classes of development apply across all councils that offer Local Design Review. Councils could then add other classes to this list. While this approach would provide some consistency in certain areas, it would still result in inconsistencies, particularly across different planning contexts, such as metropolitan, peri-urban, townships and rural areas.

- Mandatory Design Review

Some respondents also suggested making Local Design Review mandatory for certain classes of development. However, this is not supported under section 121(2) of the PDI Act, which states that 'a person who is considering the undertaking of development to which this section applies may apply to a design panel for advice'. Mandatory Local Design Review is not currently being considered.



- Linking design advice with Planning and Design Code policy

Respondents strongly recommended that design advice must relate to the relevant policy for the proposed development within the Code for it to have effect during development assessment. Some respondents also suggested that the Principles of Good Design must be embedded within the Code when giving effect to Local Design Review for the same reason.

The link between the Scheme and the Code is being developed with this relationship in mind. It is important that the design advice is prepared with consideration of Code policy and is delivered to the proponent and relevant authority in a simple format that is guided by objective design principles, such as the Principles of Good Design.

An important mechanism in addition to the link between the Scheme and the Code is training panel members and building their familiarity and experience with the Code and local planning policy over time.

All feedback received about the relationship between the Scheme and the Code has been considered.

*Role of council planners in Local Design Review*

Some respondents raised the importance of council planners being included in the process, such as attending and contributing at pre-briefings with the design panel, observing the Design Review session and being privy to iterations of the design advice.

The involvement of planners in the process has always been envisaged and is strongly encouraged, which reflects the existing State Design Review program. This is also central to ensuring the design advice considers planning policy within the Code.

Section 4.1(d) of the draft Scheme enabled council planning staff (as an 'other stakeholder') to attend pre-briefings and the Design Review session, and assist the panel Chair to minute the session. Council staff may also help draft the design advice, with section 5.2.1 only requiring that the panel Chair 'finalise' it.

The term 'other stakeholder' also enabled the designated entity to involve other experts in the pre-briefing, such as traffic engineers, heritage consultants or cultural experts. This has been an important part of the State Design Review program as it provides the design panel with important contextual information that may be important to exploring design opportunities. It would also enable councils who may not be able to commit a planner to the process to still provide Local Design Review within their area.

In response to the feedback received, the Scheme now includes a provision that sets the intent for councils to provide a local planning officer to participate in the pre-briefing with the design panel and observe the design review session. The guidance material will provide more detail in relation to the involvement of council planners in the process.

### *Content of the Local Design Review guidance material*

A number of respondents expressed interest in better understanding what information will be provided in the guidance material.

The guidance material will comprise practical advice and templates to provide designated entities with a best-practice model to meet the requirements of the Scheme. The guidance material will cover:

- design review panel member recruitment
- training and induction requirements
- preparing and undertaking a successful design review session
- drafting design advice (including any templates)
- data collection
- any other useful information

The guidance material is being prepared by ODASA and will be tested and refined before the Scheme becomes operational.

### *Establishing a design panel and its composition*

A number of respondents provided feedback around the Design Panel Selection Process outlined in section 2.5 of the draft Scheme.

Generally, it was recommended this section be less prescriptive in order to maximise opportunities for designated entities to recruit the desired calibre of design panel members.

Most feedback supported the inclusion of consistent selection criteria (qualification and experience) in section 2.5.2 of the draft Scheme, however greater flexibility would better support designated entities in varying contexts.

Specific feedback includes:

- replacing the phrase 'tertiary degree' in section 2.5.2(a) with 'tertiary qualification' to enable the selection of panel members with qualifications from fields without specific tertiary degrees, such as ecologically sustainable design, universal design and accessibility;
- reducing the required experience for panel members in section 2.5.2(b) from ten years to seven years; and
- amending section 2.5.3(a) of the draft Scheme from requiring a panel member to be 'highly experienced within their field', as specific years of experience are required in the previous section, to 'highly regarded within their field'.

The selection criteria has been updated to be more inclusive and flexible in response to the feedback.

Concerns were raised in relation to single-person design panels, which could be established under section 2.4.4 of the draft Scheme. Single person design panels were enabled to reflect existing design advisory services offered by some South Australian councils, where in most cases one design expert provides design advice. These services are broadly considered successful at improving the design quality of the proposal by the council.

Single-person panels may also enable a more cost-effective way of providing Local Design Review in certain circumstances. For example, where a multi-person panel may not be feasible or available, such as for smaller-scale proposals or in certain locations. Rather than prohibit Local Design Review from occurring in such circumstances, a suitably qualified and/or experienced design expert who is trained under the Scheme and using the consistent design advice template may still successfully undertake Local Design Review.

Single-person design panels remain possible under the Scheme. Their effectiveness will be monitored over time.

### *Multiple Design Review sessions*

Some respondents requested clarification about how multiple Design Review sessions will operate under the Scheme. Sections 4.1(b) and 5.4.1 of the draft Scheme suggest that multiple Design Review sessions are available.

Through the consultation and feedback it was suggested that multiple Design Review sessions be encouraged to promote early engagement and design development and that this process be made clearer, including:

#### - How many Design Review sessions are recommended?

It is standard practice in South Australia's State Design Review and interstate programs to encourage multiple Design Review sessions with the proponent before they lodge their development application. Three sessions are generally considered ideal, however in some circumstances two may be sufficient for the panel to support the proponent's response to the original design advice.

#### - Will multiple Design Review sessions come under the original application?

It is envisaged that iterative Design Review sessions would be a continuation of the initial application for Local Design Review.

#### - Is the proponent required to pay a fee for each Design Review session?

If a council determines to charge proponents for Local Design Review this could be done per session. If a council and the proponent agree to undertake multiple sessions, then the council may be able to charge for multiple sessions in one transaction to encourage their progressive participation.

In response to the feedback, the updated Scheme includes a provision stating that multiple sessions may be undertaken through an agreement between the council and proponent.

### *Design panel indemnity and insurance requirements*

Some respondents raised concerns about the potential need for designated entities (councils or other organisations administering a Local Design Review panel) to be adequately indemnified or insured against actions taken and advice provided under the Scheme.

The role of designated entities is to administer the Design Review process established by the Scheme. This includes panel member recruitment, establishing a suitable design panel for each Design Review session, preparing for each session, ensuring that the proponent receives the design advice, reporting and managing any complaints.

The designated entity is not responsible for making decisions or preparing design advice under the Scheme. The design panel members are responsible for providing the design advice and the panel Chair is responsible for finalising it.

In relation to the design panel members (including Chairs), section 121(8) of the PDI Act states that 'no action may be brought against a member of a design panel on the basis of any advice or other action given or taken by a design panel under this section'. This was included in section 6.4.4 of the draft Scheme and remains in the updated version.

Councils may also consider using the mutual liability scheme if they believe further panel member liability protection is required.

Feedback recommended that designated entities should have the ability to terminate a panel member's contract. This would need to be included as a clause in the instrument of appointment provided by the designated entity to their panel members.



### 4.1.3. Opportunities for improvement

#### *Simplifying the Local Design Review process*

Some council respondents suggested that the administrative requirements in the draft Scheme could be simplified to suit the local context. This was generally the view of councils who operate a local design advisory service and have an understanding of what is involved to provide such a service.

ODASA thoroughly considered this feedback while also balancing the need to maintain the integrity of Design Review and ensuring best-practice processes when updating the Scheme.

In response to the feedback, a number of prescriptive processes have been omitted from the Scheme or relocated to the guidance material where they can be supported by further information, examples and templates.

Changes made to simplify the Scheme include:

- separating the proponent application process and council preparation for a design review session into two distinct sections, 'Applying for Design Review' and 'Preparing for Design Review';
- making the 'Undertaking Design Review' section less prescriptive and more about roles and performance during a design review session; and
- reducing the requirements under the 'Design Advice' section, noting that design advice will need to be completed in a standardised template.

#### *Obtaining a design opinion on a lodged development application*

Respondents widely acknowledged that the greatest opportunity to positively influence design quality is early in the planning and design process, before a development application is lodged for assessment. Early participation in Design Review enables a proponent to consider the design advice and use it to assist with developing their proposal.

The draft Scheme was prepared to reflect the process outlined in section 121 of the PDI Act, which requires Local Design Review to operate during pre-lodgement. Section 121(2) of the PDI Act states, 'a person who is considering the undertaking of development to which this section applies may apply to a design panel for advice.'

While the majority of respondents support pre-lodgement Design Review and working with the proponent to improve design quality, they also recommended that including a provision to guide obtaining a design opinion on a lodged development application would be beneficial.

Obtaining a design opinion on a lodged development application is generally used to assist a relevant authority undertake development assessment. It is not considered a format of Design Review as the application is finalised and any opportunities to improve the design quality are diminished.

ODASA strongly recommends the pre-lodgement Design Review process outlined in the Scheme that focuses on supporting high-quality design and contributing to a proponent's progressive certainty as they work through the planning process.

Section 5 of the draft Scheme detailed the process for preparing and lodging design advice generated through participation in Local Design Review. While the draft did not include specific provisions to support obtaining a design opinion on a lodged development application, it did not preclude it.

In response to the feedback a section has been added to the Scheme that guides a council seeking a design opinion on a lodged development application in a way that upholds the principles and objects of the Scheme. The guidance material will also provide additional advice in relation to seeking a design opinion.



*Image by Sam Noonan*

## 5. Refinement and Finalisation

A number of additional steps were undertaken to further test and improve the Scheme and its connection with the planning system prior to its finalisation.

### 5.1. Targeted engagement

In early 2021, ODASA requested additional feedback on the updated Scheme through a targeted engagement process with council staff and representatives from 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
- Rural City of Murray Bridge
- Australian Institute of Architects
- Australian Institute of Landscape Architects
- Housing Industry Association
- Local Government Association
- Planning Institute of Australia
- Urban Development Institute of Australia

### 5.2. Finalisation of the Scheme

The final draft Scheme was subject to a legal review before being presented to the Minister.

In February 2021, the Minister approved the Scheme to come into operation on 1 July 2021.

### 5.3. Commencement

ODASA is now preparing for the Scheme to come into operation across the State. This involves developing materials required for the Scheme to operate successfully, prescribing fees in Regulations and establishing a mechanism in the Code for specifying eligible classes of development.

These statutory and regulatory requirements will be completed before the 1 July 2021 commencement date.

ODASA will continue to work closely with councils and industry in preparation for the commencement of the Scheme to ensure that Local Design Review is well established from the outset, able to meet demand and is consistent in the way it is delivered across the State.

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