

Agenda Report for Decision

Meeting Date: 5 August 2021

Item Name	Approval to consult – Local Design Review Code Amendment
Presenters	Brad McCormack and Rhiannon Hardy
Purpose of Report	Decision
Item Number	4.3
Confidentiality	Not Confidential (Release Delayed) – to be released at the time public consultation on the Code Amendment commences, anticipated to be Thursday 12 August 2021
Related Decisions	On 13 May 2021, the Commission agreed to initiate the Local Design Review Code Amendment (agenda item number 3.1)

Recommendation

It is recommended that the Commission resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed) – to be released at the time public consultation on the Code Amendment commences, anticipated Thursday 12 August 2021.
2. Approve the draft Local Design Review Code Amendment (**Attachment 1**) for consultation;
3. Approve the amended Local Design Review Code Amendment Engagement Plan (**Attachment 2**);
4. Authorise the Chair to write to the following entities (**Attachment 3**) to advise of the consultation:
 - a. Minister for Planning and Local Government (**Attachment 4**)
 - b. All South Australian councils
 - c. Association of Consulting Architects
 - d. Australian Institute of Architects
 - e. Australian Institute of Landscape Architects
 - f. Housing Industry Association
 - g. Local Government Association
 - h. Master Builders Association
 - i. Planning Institute of Australia
 - j. Property Council of Australia
 - k. Urban Development Institute of Australia.
5. Authorise the Chair to finalise any minor amendments to the attachments.

Proposal

The Local Design Review Scheme (the Scheme) was established under section 121 of the *Planning, Development and Infrastructure Act 2016* (the Act) to provide a consistent approach for councils that determine to offer Design Review within their communities. The Scheme was approved by the Minister for Planning and Local Government in February 2021 (**Attachment 5**).

The Local Design Review Code Amendment (the Amendment) seeks to amend the Planning and Design Code (the Code) to specify classes of development eligible for design review. It will work in conjunction with a notice published by the Chief Executive to enable councils who register under the Scheme to select classes of development eligible for Local Design Review in their area.

This report seeks the Commission's approval to release the draft Amendment for public consultation. It is anticipated that this consultation will be open from Thursday 12 August to Monday 27 September 2021 (six weeks).

Background

On 13 May 2021, the Commission initiated the Local Design Review Code Amendment on its own initiative under section 73(2)(a) of the Act.

Since that time, a series of pre-consultation workshops have been undertaken with council staff and industry groups. Summaries of these workshops are provided in **Attachments 6 and 7**.

Discussion

A draft of the Local Design Review Code Amendment for consultation has been prepared in **Attachment 1**, in accordance with the Proposal to Initiate.

The Amendment introduces new content to Part 5 of the Code, 'Table 2 – Specified matters and areas identified under the *Planning, Development and Infrastructure Act 2016*' to specify classes of development eligible for design review under section 121 of the Act.

It is envisaged that the process established by this Amendment, which would enable councils to specify eligible classes of development for Local Design Review in their area, would be completed by a council when they register under the Scheme.

Section 2.3 of the Scheme details the registration process for councils to offer Local Design Review in their area. Specifically, section 2.3.4 of the Scheme requires that an application for registration be made to the Chief Executive in the approved form and include any specified information. It is envisaged that this registration form include a method for councils to specify their eligible classes of development.

A process map that illustrates how this registration process could work will be prepared prior to consultation to help inform submissions.

The Amendment has been guided by pre-consultation activities in the following ways:

- On 15 June 2021, PLUS staff held a workshop for council staff to update them on the Amendment and seek their feedback on how it could work best for councils. This workshop was open to council staff from across the State and was promoted by PLUS and the Local Government Association. A summary is provided in **Attachment 6**.
- On 8 July 2021, PLUS staff held a workshop with representatives from industry bodies to update them on the Amendment and gather their insights. Invites were sent to all industry stakeholders that were notified of the Commission's decision to initiate the Local Design Review Code Amendment, which included:

- Association of Consulting Architects
- Australian Institute of Architects
- Australian Institute of Landscape Architects
- Housing Industry Association
- Local Government Association
- Master Builders Association
- Planning Institute of Australia
- Property Council of Australia
- Urban Development Institute of Australia.

A summary of this workshop is provided in **Attachment 7**.

- Key feedback from both workshops highlighted:
 - suggestions for various classes of development for which Local Design Review could be used across the State
 - a desire for the process established by this Amendment to allow for flexibility between council areas and their various planning contexts
 - the importance of ensuring the design review process can be successfully resourced by providing a focussed rather than extensive list of development eligible for design review
 - the need for design review to focus on developments of concern to the community (e.g. infill development)
 - a desire for the process established by this Amendment to be timely, simple and efficient for users to manage and adapt over time.

Engagement

It is proposed to consult on the Amendment in accordance with the Engagement Plan. The Engagement Plan sets out how, who and when the Commission will engage on the Amendment in accordance with the Community Engagement Charter (**Attachment 2**).

While an Engagement Plan was approved by the Commission on 13 May 2021, amendments are proposed to improve accuracy of the Plan and update the following matters:

- reflect the change of direction, from proposing a limited library of development classes in the Code for councils to select from, to enabling councils the ability to specify with approval of the Chief Executive;
- reference the recent pre-engagement that was undertaken in June and July 2021;
- update the timing of the staging to reflect the proposed commencement date of 12 August and a six-week consultation;
- reflect a focus on providing digital information; and
- including the PLUS Communications and Engagement Team into the Plan as they will be assisting with promoting the consultation, news articles and the social media campaign.

In accordance with *State Planning Commission Practice Direction – 2 (Preparation and Amendment of Designated Instruments)*, the Engagement Plan:

- a) meets the principles and performance outcomes of the Community Engagement Charter;
- b) describes the persons or bodies to be consulted on the Amendment, including any persons or bodies required to be consulted under the Charter or the Act;
- c) outlines relevant previous engagement undertaken to inform the proposal;
- d) describes the evaluation framework for the engagement.

Next Steps

Should you approve the Engagement Plan and draft Amendment for consultation purposes, the Department will:

- Undertake the consultation process in accordance with the Engagement Plan
- Review submissions
- Prepare an Engagement Report under section 73 of the Act
- Present the Engagement Report to the Commission for approval

Once approved by the Commission, the Code Amendment and Engagement Report will then be provided to the Minister for determination.

Attachments

1. Draft Local Design Review Code Amendment – For consultation #17393273
2. Amended Local Design Review Code Amendment – Engagement Plan #17006548
3. Draft Letter to Stakeholders #17403933
4. Draft Letter to the Minister for Planning and Local Government #17403901
5. Local Design Review Scheme # 17232920
6. Summary of pre-engagement workshop with council staff #17402337
7. Summary of pre-engagement workshop with industry representatives #17402340

Prepared by: Brad McCormack

Endorsed by: Anita Allen

Date: 28 July 2021

Local Design Review Code Amendment

By the State Planning Commission (the Designated Entity)

For Consultation

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HAVE YOUR SAY

This Code Amendment is on consultation from **Thursday 12 August 2021** to **Monday 27 September 2021** (six weeks).

During this time you are welcome to lodge a written submission about the proposed Code Amendment.

You may provide a submission via:

Email

LocalDesignReview@sa.gov.au

Post

Attention: Brad McCormack
Office for Design and Architecture SA
Level 1, 28 Leigh Street
Adelaide SA 5000

PlanSA Portal

https://plan.sa.gov.au/have_your_say/general_consultations

YourSAy

yoursay.sa.gov.au

If you would like to discuss this proposed Amendment please contact:

Brad McCormack

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P: (08) 8402 1800
E: Brad.McCormack@sa.gov.au

1. WHAT IS THE PLANNING AND DESIGN CODE?

The Planning and Design Code (the Code) sets out the rules that determine what landowners can do on their land.

For instance, if you want to build a house, the Code rules will tell you how high you can build and how far back from the front of your land your house will need to be positioned. The Code will also tell you if any additional rules apply to the area where your land is located. For example, you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

1.1. Planning and Design Code Framework

The Code is based on a framework that contains various elements called overlays, zones, sub zones and general development policies. Together these elements provide all the rules that apply to a particular parcel of land. An outline of the Code Framework is available on the SA Planning Portal.

1.2. Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy trumps the zone policy.

1.3. Zones

Zones are areas that share common land uses and in which specific types of development are permitted. Zones are the main element of the Code and will be applied consistently across the state.

For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton. Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

1.4. Subzones

Subzones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime activities and uses.

1.5. General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance on how development should occur.

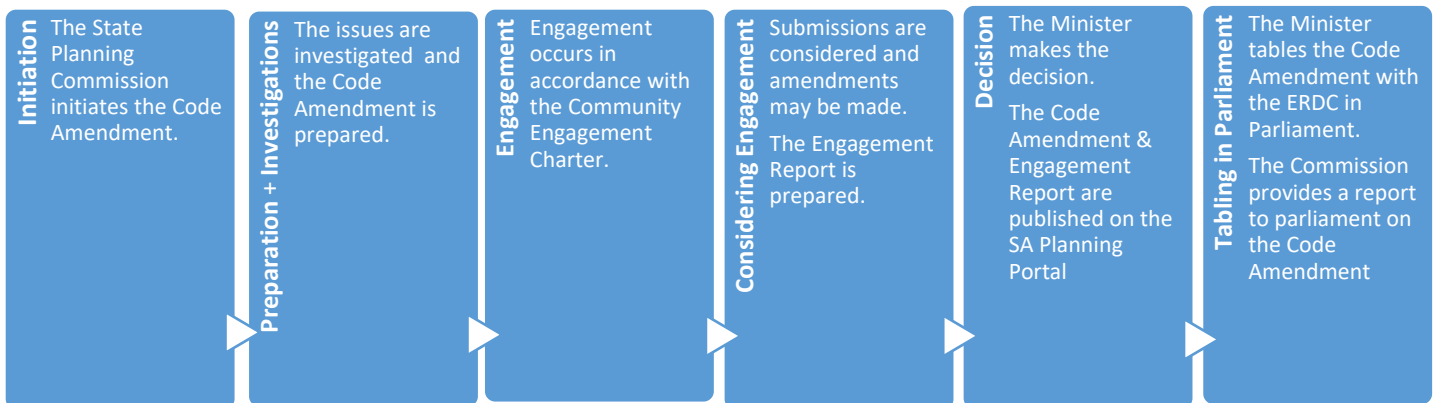
1.6. Amending the Planning and Design Code

The Planning, Development and Infrastructure Act 2016 (the Act) provides the legislative framework for undertaking amendments to the Code. The State Planning Commission (the Commission) may initiate an amendment to the Code and undertake a Code Amendment (the Amendment).

A Proposal to Initiate will define the scope of the Amendment and prescribe the investigations which must occur to enable an assessment of whether the Amendment should take place and in what form.

The Commission is responsible under the Act for ensuring the Code is maintained, reflects contemporary values relevant to planning, and readily responds to emerging trends and issues.

As designated entity for this Amendment, the Commission has undertaken investigations and will run the engagement process. The Commission will also provide a report on this Amendment (including compliance with the Community Engagement Charter) at the final stage of the Amendment process.



2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?

2.1. Need for the amendment

Section 121 of the Act enables the Minister to establish a design review scheme, where a person who is considering undertaking types of development specified in the Code may apply to a design panel for design advice.

In February 2021, the Minister approved the Local Design Review Scheme for South Australia (the Scheme) to come into effect on 1 July 2021. The [approved Scheme](#) can be accessed via the PlanSA Portal:

- https://plan.sa.gov.au/_data/assets/pdf_file/0006/804075/Local_Design_Review_Scheme_for_South_Australia.pdf

The purpose of this Amendment is to enable operation of the Scheme to support high-quality design for the benefit of their communities.

The Amendment proposes to include new content in the Code to specify classes of development eligible for design review. Doing so will enable proponents of the eligible development classes to apply for Local Design Review under section 121 of the Act.

This will work in conjunction with a notice published by the Chief Executive of the Attorney-General's Department to enable councils who register to participate in the Scheme to select classes of development eligible for Local Design Review in their area. This will result in the publication of a register of participating councils and their selected classes of development on the PlanSA Portal.

2.2. Affected Area

The proposal seeks to amend the Code to give effect to the Local Design Review Scheme across the State by specifying eligible classes of development under section 121(1) of the Act.

2.3. Summary of proposed policy changes

2.3.1. Current Code Policy

There is currently no policy within the Code that relates to Local Design Review or the Scheme.

2.3.2. Proposed Code Policy

The Amendment proposes to insert new content to Part 5 of the Code, 'Table 2 – Specified matters and areas identified under the *Planning, Development and Infrastructure Act 2016*' as follows:

- (1) Development within the ambit of subclause (2) is specified as a class of development for the purposes of section 121(1) of the Act.
 - (2) Development that is—
 - (a) within the area of a council that has determined to make design review available in its area by participating in the scheme determined by the Minister for the purposes of section 121 of the Act; and
 - (b) a form of development that is—
 - i. either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause; and
 - ii. specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.
 - (3) A council may from time to time vary the classes of development applying in its area under this clause by a further notice published by the Chief Executive on the SA planning portal at the request of the council.
-

The proposed policy changes are shown in **Attachment A**.

It is envisaged that the process established by this Amendment to specify eligible classes of development for Local Design Review would be completed by a council when they register under the Scheme.

Section 2.3 of the Scheme details the registration process for councils to offer Local Design Review in their area. Specifically, section 2.3.4 of the Scheme requires that an application for registration be made to the Chief Executive in the approved form and include any specified information.

It is proposed that this registration form include a method for councils to specify their eligible classes of development. A guiding list of development classes that the Chief Executive may consider is provided in **Attachment B**.

3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT?

3.1. Engagement

Engagement on the Code Amendment must occur in accordance with the Community Engagement Charter principles, which required that:

- engagement is genuine
- engagement is inclusive and respectful
- engagement is fit for purpose
- engagement is informed and transparent
- engagement processes are reviewed and improved.

An Engagement Plan has been prepared for this Code Amendment to ensure that engagement will be conducted and measured against the principles of the Charter.

For more information on the Community Engagement Charter please visit the PlanSA Portal:

https://plan.sa.gov.au/our_planning_system/instruments/community_engagement_charter

Engagement for this Amendment is focussed on providing information to all relevant stakeholders and ensuring they have the opportunity to provide feedback. A summary of the engagement that is occurring for this Amendment is as follows:

- Code Amendment Portal (via the PlanSA Portal)
- YourSAy consultation website
- Letters to all South Australian councils
- Letters to industry stakeholders
- Social media campaign
- Newsletter articles

Staff from the Office for Design and Architecture SA (ODASA) are also available to discuss this Amendment and answer any questions.

3.2. Engagement Already Undertaken

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

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

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.

ODASA received 39 submissions in response to the draft Scheme from councils, industry groups and community members. This feedback was used to refine and update the Scheme.

In early 2021, ODASA requested additional feedback on the updated Scheme through a targeted engagement process with staff from eight councils and representatives from six peak industry bodies.

ODASA prepared and released the [Local Design Review Scheme Engagement Summary Report](#) to document the collaborative process to develop and consult on the Scheme.

In May 2021, the Commission endorsed ODASA to undertake pre-engagement meetings with council staff and industry groups to help inform this Amendment. Two workshops were held, which highlighted:

- suggestions for various classes of development for which Local Design Review could be used across the State
- a desire for the process established by this Amendment to allow for flexibility between council areas and their various planning contexts
- the importance of ensuring the design review process can be successfully resourced by providing a focussed rather than extensive list of development eligible for design review
- the need for design review to focus on developments of concern to the community (e.g. infill development)
- a desire for the process established by this Amendment to be timely, simple and efficient for users to manage and adapt over time.

3.3. How can I have my say on the Code Amendment?

You may provide a submission about this Amendment via:

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E: Brad.McCormack@sa.gov.au

3.4. What changes to the Code Amendment can my feedback influence?

Your feedback can influence the classes of development specified in the Code in order to be eligible for design review through the Local Design Review Scheme.

Feedback cannot influence instruments which are separate to the Code, such as the Act, regulations and the Local Design Review Scheme. This means that feedback cannot influence:

- How the Local Design Review Scheme operates
- The fact that design review is a voluntary process, as the Act establishes that design review is a voluntary process available to applicants prior to lodgement of a development application.

3.5. What will happen with my feedback?

The Commission is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.

All formal submissions will be considered by the Commission when determining whether the proposed Amendment is suitable and whether any changes should be made.

Each submission will be entered into a register and you will receive an email acknowledging receipt of your submission. Your submission will be published on the PlanSA Portal. Personal addresses, email and phone numbers will not be published, however company details will be.

The Commission will consider the feedback received when finalising the Amendment and will prepare an Engagement Report that will outline what was heard during consultation and how the proposed Amendment was changed in response to submissions.

The Engagement Report will be forwarded to the Minister, and then published on the PlanSA Portal.

3.6. Decision on the Code Amendment

Once the Engagement Report is provided to the Minister, the Commission may provide further advice to the Minister at the Minister's request, if the Code Amendment is considered significant.

The Minister will then either adopt the Code Amendment (with or without changes) or determine that the Code Amendment should not proceed. The Minister's decision will then be published on the PlanSA Portal.

If adopted, the Code Amendment will be referred to the Environment Resources and Development Committee of Parliament (ERDC) for their review. The Commission will also provide the Committee with a report on the Code Amendment, including the engagement undertaken on the Code Amendment and its compliance with the Community Engagement Charter.

4. ANALYSIS

4.1. Strategic Planning Outcomes

4.1.1. Consistency with the State Planning Policies

State Planning Policies define South Australia's planning priorities, goals and interests. They are the overarching umbrella policies that define the state's interests in land use. There are 16 State Planning Policies and six special legislative State Planning Policies.

These policies are given effect through the Code, with referral powers assigned to relevant Government Agencies (for example, the Environmental Protection Agency for contaminated land). The Code (including any Code Amendments) must comply with any principle prescribed by a State Planning Policy.

This Code Amendment is considered to be consistent with the State Planning Policies as shown in **Attachment C**.

4.1.2. Consistency with the Regional Plan

The directions set out in Regional Plans provide the long term vision and set the spatial patterns for future development within a region. This can include land use integration, transport infrastructure and the public realm.

The Commission has identified that the existing volumes of the South Australian Planning Strategy, prepared under the *Development Act 1993*, will apply until such time as the new Regional Plans are prepared and adopted. Refer to the SA Planning Portal for more information on the

Commission's program for implementing Regional Plans throughout South Australia.

Where there is conflict between a Regional Plan and the State Planning Policies, the State Planning Policies will prevail.

This Code Amendment is considered to be consistent with the Regional Plan as shown in **Attachment C**.

4.1.3. Consistency with other key strategic policy documents

This Amendment aligns with and gives effect to the Local Design Review Scheme, as required by section 121(1) of the Act.

ATTACHMENT A – PROPOSED CODE POLICY

This Amendment proposes the following changes be inserted into Part 5 of the Code, 'Table 2 – Specified matters and areas identified under the *Planning, Development and Infrastructure Act 2016*':

- (1) Development within the ambit of subclause (2) is specified as a class of development for the purposes of section 121(1) of the Act.
- (2) Development that is—
 - (a) within the area of a council that has determined to make design review available in its area by participating in the scheme determined by the Minister for the purposes of section 121 of the Act; and
 - (b) a form of development that is—
 - i. either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause; and
 - ii. specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.
- (3) A council may from time to time vary the classes of development applying in its area under this clause by a further notice published by the Chief Executive on the SA planning portal at the request of the council.

ATTACHMENT B – CLASSES OF DEVELOPMENT WHICH MAY BE ELIGIBLE FOR DESIGN REVIEW

The following classes of development may be considered by the Chief Executive as suitable for Local Design Review, subject to the context of an area where a design panel is established and the anticipated resourcing available to service the design panel.

This list is for guidance only and was informed through consultation with council staff and industry representatives.

Location Aligned with spatial layers within the Code	Class of Development
All	<ul style="list-style-type: none"> • Buildings of 3 or more building levels • Dwellings of a density exceeding medium net residential density (i.e. greater than 70 dwelling units per hectare) • Development which exceeds the maximum density or does not meet the minimum site area specified in the relevant DTS/DPF criteria • Development which exceeds the maximum building height in levels specified in the relevant DTS/DPF criteria • Development which encroaches into the public realm • Development with a development cost exceeding \$3 million • Division of land for residential purposes creating 2 or more additional allotments • Construction of 3 or more dwellings • Supported accommodation • Student accommodation
Historic Area Overlay Character Area Overlay Local Heritage Place Overlay Heritage Adjacency Overlay Hills Face Zone Significant Landscape Protection Overlay	<ul style="list-style-type: none"> • Any building (except an ancillary building)
Urban Corridor (Boulevard) Zone Urban Corridor (Main Street) Zone	<ul style="list-style-type: none"> • Development utilising incentives in 'Significant Development Sites' policy

Urban Corridor (Living) Zone Urban Corridor (Business) Zone	
Activity Centre	<ul style="list-style-type: none"> • Buildings with a gross leasable floor area exceeding 1000m²
Master Planned Neighbourhood Zone Master Planned Township Zone	<ul style="list-style-type: none"> • Land division proposing more than 20 additional allotments • Land division involving the creation of a public road or public open space
Suburban Main Street Zone Township Main Street Zone	<ul style="list-style-type: none"> • Any building which is visible from the primary street frontage (except an ancillary building)
Affordable Housing Overlay	<ul style="list-style-type: none"> • Affordable housing

ATTACHMENT C – STRATEGIC PLANNING OUTCOMES

1. State Planning Policies

The State Planning Policies (SPPs) require that the Principles of Good Planning are considered in the preparation of any designated instrument, including a Code Amendment.

SPP Key Principles

There are 16 SPPs that include Objectives, Policies and Principles for Statutory Instruments (including the Planning and Design Code). The most critical SPPs in the context of this Code Amendment are:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>SPP 2 – Design Quality</p> <p>2.1 Promote best practice in the design of buildings, places and the public realm by applying the principles of Good Design.</p> <p>2.4 Design advice should be obtained early in the planning process for complex developments, and utilise consistent and credible processes (such as Design Review) to ensure improved outcomes.</p> <p>2.6 Maximise opportunities for the Principles of Good Design and community engagement to inform future policy creation and improve design outcomes.</p> <p>2.7 Promote a culture of good design to foster creative thinking, innovation and effective design processes within the planning industry, built environment professions and general public.</p> <p>2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers</p>	<p>The Local Design Review Scheme provides for the practical application of a number of objectives and policies from the State Planning Policies.</p> <p>Design Review under the Scheme and the resulting design advice must be guided by South Australia’s Principles of Good Design as published in the design quality policy under section 59 of the Act.</p> <p>In addition, section 1.5 of the Scheme outlines the objects of this Scheme, which are to—</p> <ol style="list-style-type: none"> 1. Support development that demonstrates high-quality design. 2. Improve access to independent and expert design advice early in the planning and design process. 3. Support consistent and informed planning decisions. 4. Facilitate collaboration between allied professionals. 5. Support South Australia’s planning system to meet the objects of the Act in section 12, including to— <ol style="list-style-type: none"> a) support and enhance the State’s liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State’s communities by creating an effective, efficient and enabling planning system; and b) promote certainty for people and bodies proposing to undertake development while at the same time providing scope for innovation; and

<p>existing and desired future context of a place.</p> <p>The Scheme and subsequent Amendment will also support other related SPPs, including:</p> <ul style="list-style-type: none"> • SPP3 – Adaptive Reuse • SPP5 – Climate Change • SPP7 – Cultural Heritage 	<ul style="list-style-type: none"> c) promote high standards for the built environment through an emphasis on design quality in policies, processes and practices, including by providing for policies and principles that support or promote universal design for the benefit of people with differing needs and capabilities. <p>6. Demonstrate practical application of the Principles of Good Planning identified in section 14 of the Act, particularly—</p> <ul style="list-style-type: none"> a) high-quality design; and b) activation and liveability; and c) sustainability.
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2. Regional Plans

The Regional Plan

While all future regional plans should give consideration to the value of Local Design Review, the 30-Year Plan for Greater Adelaide (2017 Update) is of particular relevance to this Amendment.

The key policies and targets that are most relevant are:

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>Theme: Design quality</p> <p>A.12 Reinforce and expand the role of the design review process for strategic urban infill and other priority developments.</p> <p>A.15 Investigate how best to encourage and measure design quality in the new planning system.</p>	<p>As detailed in relation to alignment with the State Planning Policies, the Local Design Review Scheme (and therefore this Amendment) also provides for the practical application of actions and policies from the 30-Year Plan for Greater Adelaide (2017 Update) by bringing the design review process under section 121 of the Act into operation.</p>

Code Amendment

Local Design Review

Engagement Plan

State Planning Commission

Contact details

Name: Brad McCormack

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Phone: 08 8402 1800

Background information

Section 121 of the *Planning, Development and Infrastructure Act 2016* (the Act) enables the Minister for Planning and Local Government (the Minister) to establish a design review scheme, where a person who is considering undertaking types of development specified in the Planning and Design Code (the Code) may apply to a design panel for design advice.

In February 2021, the Minister approved the Local Design Review Scheme (the Scheme) to come into effect on 1 July 2021. The [approved Scheme](#) can be accessed via the PlanSA Portal:

- https://plan.sa.gov.au/_data/assets/pdf_file/0006/804075/Local_Design_Review_Scheme_for_South_Australia.pdf

The purpose of this Amendment is to enable operation of the Scheme to support high-quality design for the benefit of their communities.

The Amendment proposes to include new content in the Code to specify classes of development eligible for design review. Doing so will enable proponents of the eligible development classes to apply for Local Design Review under section 121 of the Act.

This will work in conjunction with a notice published by the Chief Executive of the Attorney-General's Department to enable councils who register to participate in the Scheme to select classes of development eligible for Local Design Review in their area. This will result in the publication of a register of participating councils and their selected classes of development on the PlanSA Portal.

Engagement Already Undertaken

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

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

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.

ODASA received 39 submissions in response to the draft Scheme from councils, industry groups and community members. This feedback was used to refine and update the Scheme.

In early 2021, ODASA requested additional feedback on the updated Scheme through a targeted engagement process with staff from eight councils and representatives from six peak industry bodies, including:

- Adelaide Hills Council
- Barossa Council
- City of Adelaide
- City of Mitcham
- City of Prospect
- Australian Institute of Architects
- Australian Institute of Landscape Architects
- Housing Industry Association
- Local Government Association
- Planning Institute of Australia

- City of Tea Tree Gully
- Mount Barker District Council
- Rural City of Murray Bridge
- Urban Development Institute of Australia

ODASA prepared and released the [Local Design Review Scheme Engagement Summary Report](#) to document the collaborative process to develop and consult on the Scheme. The Summary Report can be accessed here:

- https://plan.sa.gov.au/_data/assets/pdf_file/0005/804074/Local_Design_Review_Scheme_-_Engagment_Summary_Report.pdf

In May 2021, the Commission endorsed ODASA to undertake pre-engagement meetings with council staff and industry groups to help inform this Amendment. Two workshops were held, which highlighted:

- suggestions for various classes of development for which Local Design Review could be used across the State
- a desire for the process established by this Amendment to allow for flexibility between council areas and their various planning contexts
- the importance of ensuring the design review process can be successfully resourced by providing a focussed rather than extensive list of development eligible for design review
- the need for design review to focus on developments of concern to the community (e.g. infill development)
- a desire for the process established by this Amendment to be timely, simple and efficient for users to manage and adapt over time.

Engagement purpose

The purpose of this engagement is to encourage stakeholders (councils, industry and the broader community) to review and provide feedback on the proposed Code Amendment. Feedback received will be used to refine the draft provisions in the Code and the subsequent process for participating councils to identify classes of development that would be eligible for Local Design Review in their area.

Engagement objectives

The engagement objectives are to:

- to ensure stakeholders are aware of the proposed Amendment and that it will enable the Local Design Review Scheme to come into operation
- to ensure stakeholders are aware of the opportunity to influence the proposed Amendment and subsequent process for participating councils to specify eligible classes of development
- to ensure stakeholders have the ability to easily provide feedback during the consultation period
- to ensure the adopted Amendment reflects stakeholder expectations.

Scope of influence

Aspects of the project which stakeholders and the community *can* influence are:

- the draft provisions that are being proposed for inclusion in the Code to give effect to the Local Design Review Scheme.

Aspects of the project which stakeholders and the community cannot influence are:

- the Local Design Review Scheme, including any associated operational matters
- the Principles of Good Design as they appear in the Scheme and in the State Planning Policies
- any further amendments to the Act, Code or Scheme other than those proposed in this consultation.

Key messages

The following key messages will underpin the engagement regarding this Amendment:

- 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 is achieving this is by creating more opportunities to participate in Design Review under the new Local Design Review Scheme.
- The Local Design Review Scheme is designed to:
 - support high-quality design
 - improve access to independent and expert design advice early in the planning and design process
 - support consistent and informed planning decisions
 - facilitate collaboration between allied professionals
 - support the State's planning system to meet objects and principles in the PDI Act.
- This Amendment is required to give effect to the Local Design Review Scheme.
- This Amendment will enable councils who register to participate in the Scheme to select classes of development that would be eligible for Local Design Review in their area. Doing so will enable proponents of the eligible development classes to apply for Local Design Review.
- The outcome of this Amendment should allow participating councils to utilise the Scheme to support high-quality design for the benefit of their communities.
- The proposed Amendment would require the Department to maintain a public register of participating councils and their selected classes of development on the PlanSA Portal.

Stakeholder and community mapping

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Councils	High	This Code Amendment will give councils the opportunity to make Local Design Review available in their area. This Amendment will enable councils to determine which classes of development will be eligible to participate in Local Design Review if they choose to participate in the Scheme.	That we will work together with them to formulate solutions and incorporate their advice and recommendations into the decisions to the maximum extent possible.	Collaborate
Local Government Association	High	As the leadership body for councils across South Australia, the LGA needs to be informed of this Code Amendment and how councils are being consulted.	That they will be made aware of the Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Industry bodies, including ACA, AIA, AILA, HIA, MBA, PCA, PIA, UDIA	High	Members of these industry bodies will be future users of Local Design Review.	That they will be made aware of the Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Community	Medium	To learn that the new Scheme will come into operation and they may be able to utilise it.	That they will be made aware of the Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult

Applying the Charter principles

Stakeholder	Engagement need or technique
Councils	<ul style="list-style-type: none"> Public consultation on the PlanSA Portal with important and helpful information to support informed feedback (updates to the Design Review and Code Amendment pages of the PlanSA Portal) YourSAy consultation website with important and helpful information to support informed feedback Letter to council Chief Executive Officers from Chair, State Planning Commission Email to council staff who participated in the Local Design Review Scheme pre-engagement from ODASA staff Planning Ahead newsletter article Social media campaign (State Planning Commission and ODASA LinkedIn pages, PlanSA Facebook page and YourSAy social media campaign)
Local Government Association	<ul style="list-style-type: none"> Public consultation on the PlanSA Portal during the consultation period (updates to Design Review and Have your Say pages) Letter to Local Government Association from Chair, State Planning Commission Phone call with Local Government Association staff (by ODASA staff) YourSAy consultation website
Industry bodies	<ul style="list-style-type: none"> Public consultation on the PlanSA Portal during the consultation period (updates to Design Review and Have your Say pages) Letters to relevant industry body representatives from Chair, State Planning Commission YourSAy consultation website
Community	<ul style="list-style-type: none"> Public consultation on the PlanSA Portal during the consultation period (updates to Design Review and Have your Say pages) Planning Ahead newsletter article YourSAy consultation website Social media campaign (State Planning Commission and ODASA LinkedIn pages, PlanSA Facebook page and YourSAy social media campaign)

Staging your engagement

Stage	Objective	Stakeholders	Level of engagement	By when
1	We will undertake a pre-consultation workshop with key stakeholders to refine the list of classes of development eligible for Design Review to inform the Code Amendment.	Councils Industry bodies	Collaborate Collaborate	June and July 2021
2	We will consult publicly on the draft Code Amendment. This consultation builds on the consultation undertaken in 2020 on the Scheme. Councils and industry bodies will be a focus for this engagement as future administrators of the Scheme. These stakeholders may be contacted directly to encourage feedback and to offer assistance with preparing a submission.	Councils Local Government Association Industry bodies Community	Collaborate Consult Consult Consult	August – September 2021
3	We will review and summarise consultation feedback and prepare an Engagement Report and Instructions for Ministerial approval.	Minister for Planning and Local Government	Inform (for approval)	October 2021
4	Once adopted, the outcome of this Code Amendment will be promoted to all stakeholders. Key stakeholders (councils and industry bodies) will be directly notified of the outcome.	Councils Local Government Association Industry bodies Community	Inform Inform Inform Inform	November 2021

Planning your engagement approach

Stage	Engagement activity	Engagement level and objective of activity	Stakeholders/ target audience	Timing	Who's responsible?*	Resources required*	Budget*	Risks and mitigation*
1	Pre-engagement workshop with key stakeholders prior to formal consultation	Collaborate with key stakeholders to inform the approach to this Code Amendment.	Councils and industry bodies	June - July 2021	ODASA Code Amendment Team, PLUS	Email invite	No new budget, within existing resources	Risk: Not all stakeholders will be available to contribute to the pre-consultation engagement. Mitigation: Option to attend in person or online. Invitees may nominate proxies. Risk: Conflicting views on the approach for this Amendment. Mitigation: Advise participants that not all views can be accommodated and that there will be a formal public consultation process where they can provide written submissions in response to the draft Amendment.
2	To collaborate with councils on the proposed Code Amendment and the process that it will enable so that councils can specify classes of development to be eligible for Local Design Review.	Collaborate with councils to ensure the outcome is reflective of how they wish to use Local Design Review.	Councils	August - September 2021	ODASA Code Amendment Team, PLUS PLUS Comms and Engagement YourSAy Team (DPC)	Emailed letter to all councils with links to digital materials. Digital approach: <ul style="list-style-type: none"> • PlanSA Portal • YourSAy page • Planning Ahead • Social media • Emailed letters 	No new budget, within existing resources	Risk: Councils are busy and may not be aware the Scheme has been approved and will soon come into operation, and that this Amendment is on consultation. Mitigation: ODASA and Planning and Development staff to take reasonable steps to make councils aware of the consultation and that they have all the information required to provide feedback on the proposed Code Amendment.

Stage	Engagement activity	Engagement level and objective of activity	Stakeholders/ target audience	Timing	Who's responsible?*	Resources required*	Budget*	Risks and mitigation*
2	To consult on the proposed Code Amendment and the process that it will enable so that councils can specify classes of development to be eligible for Local Design Review.	Consult to seek feedback on the proposed Code Amendment.	Local Government Association (LGA)	August – September 2021	ODASA PLUS Comms and Engagement YourSAy Team (DPC)	Emailed letter to LGA with links to digital materials. Additional digital resources: <ul style="list-style-type: none"> • PlanSA Portal • YourSAy page • Planning Ahead 	No new budget, within existing resources	Risk: LGA is busy supporting councils with the new planning system and may not be aware the Scheme has been approved and will soon come into operation, or that this Amendment is on consultation. Mitigation: ODASA to liaise directly with LGA to ensure they have all the information required and alert them to the opportunity to provide feedback.
2	To consult on the proposed Code Amendment and the process that it will enable so that councils can specify classes of development to be eligible for Local Design Review.	Consult to seek feedback on the proposed Code Amendment.	Industry bodies	August – September 2021	ODASA PLUS Comms and Engagement YourSAy Team (DPC)	Emailed letters to industry bodies with relevant digital links. Additional digital resources: <ul style="list-style-type: none"> • PlanSA Portal • YourSAy page • Planning Ahead • Social media 	No new budget, within existing resources	Risk: Industry bodies require general information about the Scheme and how it will work, and may provide critical feedback. Mitigation: ODASA may liaise directly and offer to meet with industry bodies to provide further information as required.
2	To consult on the proposed Code Amendment and the opportunities that Local Design Review will provide.	Consult to seek feedback on the proposed Code Amendment.	Community	August – September 2021	ODASA PLUS Comms and Engagement YourSAy Team (DPC)	Digital approach: <ul style="list-style-type: none"> • PlanSA Portal • YourSAy page • Planning Ahead • Social media 	No new budget, within existing resources	Minimal risk.
4	To inform stakeholders that the Code Amendment is complete and adopted into the Code for the purposes of section 121(1) of the Act (Local Design Review Scheme).	To keep all stakeholders informed that the Code Amendment has been finalised and adopted.	All stakeholders	November 2021	ODASA PLUS Comms and Engagement YourSAy Team (DPC)	Emailed letter to key stakeholders (councils and industry) with links to the Engagement Summary Report. Digital updates via: <ul style="list-style-type: none"> • PlanSA Portal • Planning Ahead • Social media • YourSAy updates 	No new budget, within existing resources	N/A

*this information does not need to be provided to the Minister

Applying the Charter principles in practice

Charter principle	How does your engagement approach/activities reflect this principle in action?
Engagement is genuine	<p>This engagement includes pre-engagement workshops with targeted stakeholders (councils and industry bodies) to help inform the draft Amendment.</p> <p>Engagement with councils is collaborative to ensure the Code Amendment reflects local design challenges and opportunities for various planning contexts across the State, to encourage participation in Local Design Review.</p> <p>The engagement will be publicly promoted.</p> <p>Enquiries during the consultation period will be responded to in a timely manner by ODASA and/or Planning and Development staff.</p>
Engagement is inclusive and respectful	<p>This consultation will be open for a minimum of six weeks.</p> <p>This engagement has been planned to allow reasonable time between full implementation of the Planning and Design Code (19 March 2021) and this consultation period.</p> <p>Background information will be readily available.</p> <p>All information will be provided in clear and accessible language.</p> <p>Everyone will have the opportunity to provide feedback through multiple formats:</p> <ul style="list-style-type: none"> • Online: <ul style="list-style-type: none"> ○ YourSAy consultation page ○ PlanSA feedback form (via Have your Say page and/or Code Amendment Portal page) • Email: <ul style="list-style-type: none"> ○ LocalDesignReview@sa.gov.au • Post: <ul style="list-style-type: none"> ○ Office for Design and Architecture SA Level 1, 28 Leigh Street Adelaide SA 5000 <p>ODASA staff will be available to respond to enquiries during the engagement by phone, email and comments received through the online websites.</p>
Engagement is fit for purpose	<p>The scope of the amendment is quite limited because does not affect the policies or mapping in the Code, but rather facilitates voluntary and pre-lodgement Local Design Review.</p> <p>The scope of consultation is limited accordingly.</p>
Engagement is informed and transparent	<p>This engagement builds on extensive engagement activities already undertaken in relation to the Local Design Review Scheme, including:</p> <ul style="list-style-type: none"> • Pre-engement meetings, workshops and reviews with council staff, industry representatives, the State Planning Commission and interstate government agencies with experience in Local Design Review (December 2019 – May 2020) • Eight week public consultation on the draft Scheme (June – August 2020), including information sessions and webinars • Targeted engagement on the updated draft Scheme (January – February 2021) <p>This engagement includes pre-engagement workshops in June – July 2021 with targeted stakeholders (councils and industry bodies) to help inform the draft Amendment.</p> <p>All stakeholders will be aware that feedback received will be summarised and published at the conclusion of the consultation period.</p>
Engagement is reviewed and improved	<p>Engagement and opportunities for improvement will be summarised in the Engagement Report to the Minister.</p>

Measuring success

At the completion of the engagement, all participants will be invited to assess the success of the engagement against performance criteria one to four, below. The Designated Entity will assess the success of the engagement against criteria five to nine.

This evaluation will be included in the statutory report required to be prepared by the Designated Entity under section 73(7) of PDI Act (the Engagement Report). The Engagement Report provides details and analysis of engagement activities undertaken for the Code Amendment, and is provided to the Minister for Planning and Local Government. This Engagement Report will also be referenced in the State Planning Commission's Parliamentary Report under section 74(3)(b) of the Act, which is issued to the Environment Resources and Development Committee of Parliament following adoption of a Code Amendment.

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Follow-up survey	Measuring success of project engagement
1	Principle 1: Engagement is genuine	<ul style="list-style-type: none"> People had faith and confidence in the engagement process. 	Community	I feel the engagement genuinely sought my input to help shape the proposal	Likert scale - strongly disagree to strongly agree	Per cent from each response.
2	Principle 2: Engagement is inclusive and respectful	<ul style="list-style-type: none"> Affected and interested people had the opportunity to participate and be heard. 	Community	I am confident my views were heard during the engagement	Likert scale - strongly disagree to strongly agree	Per cent from each response.
			Project Lead	The engagement reached those identified as community of interest.	<ul style="list-style-type: none"> Representatives from most community groups participated in the engagement Representatives from some community groups participated in the engagement There was little representation of the community groups in engagement. 	Per cent from each response.
3	Principle 3: Engagement is fit for purpose	<ul style="list-style-type: none"> People were effectively engaged and satisfied with the process. People were clear about the proposed change and how it would affect them. 	Community	I was given sufficient information so that I could take an informed view.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
				I was given an adequate opportunity to be heard	Likert scale - strongly disagree to strongly agree	Per cent from each response.
4	Principle 4: Engagement is informed and transparent	<ul style="list-style-type: none"> All relevant information was made available and people could access it. People understood how their views were considered, the reasons for the outcomes and the final decision that was made. 	Community	I felt informed about why I was being asked for my view, and the way it would be considered.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
5	Principle 5: Engagement processes are reviewed and improved	<ul style="list-style-type: none"> The engagement was reviewed and improvements recommended. 	Project Lead	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement	<ul style="list-style-type: none"> Reviewed and recommendations made Reviewed but no system for making recommendations Not reviewed 	Per cent from each response.
6	Engagement occurs early	<ul style="list-style-type: none"> Engagement occurred before or during the drafting of the planning policy, strategy or scheme when there was an opportunity for influence. 	Project Lead	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme	<ul style="list-style-type: none"> Engaged when there was opportunity for input into scoping Engaged when there was opportunity for input into first draft Engaged when there was opportunity for minor edits to final draft Engaged when there was no real opportunity for input to be considered 	Per cent from each response.
7	Engagement feedback was considered in the development of planning policy, strategy or scheme	<ul style="list-style-type: none"> Engagement contributed to the substance of a plan or resulted in changes to a draft. 	Project Lead	Engagement contributed to the substance of the final plan	<ul style="list-style-type: none"> In a significant way In a moderate way In a minor way Not at all 	Per cent from each response.
8	Engagement includes 'closing the loop'	<ul style="list-style-type: none"> Engagement included activities that 'closed the loop' by providing feedback to participants/ community about outcomes of engagement 	Project Lead	Engagement provided feedback to community about outcomes of engagement	<ul style="list-style-type: none"> Formally (report or public forum) Informally (closing summaries) No feedback provided 	Per cent from each response.
9	Charter is valued and useful	<ul style="list-style-type: none"> Engagement is facilitated and valued by planners 	Project Lead	Identify key strength of the Charter and Guide Identify key challenge of the charter and Guide		

Closing the loop and reporting back

How will you respond to participants?	Who's responsible?	When will you report back?
<p>All participants will be informed upon completion of the Code Amendment through the following:</p> <ul style="list-style-type: none"> • Letters to council Chief Executives • PlanSA Portal update • Planning Ahead newsletter article/update • Social media campaign • YourSAy project update 	<p>ODASA</p> <p>Code Amendment Team, PLUS</p> <p>PLUS Comms and Engagement</p> <p>YourSAy Team (DPC)</p>	<p>Within four weeks of the Amendment coming into effect.</p>

Attachment 1: Feedback on suggested development classes for Local Design Review

Who	Suggested development classes for Local Design Review
Adelaide Hills Council	<ul style="list-style-type: none"> • Multistorey Residential Flat Buildings (Apartments) in the Housing Diversity Neighbourhood Zone • Multistorey Tourist Accommodation in the Tourism Development Zone • Land Division (1 into 3+), 3+ Multi-Storey Residential Flat Buildings or Group dwellings in the Suburban Neighbourhood Zone or Township Zone • Any building work in the Suburban Main Street Zone, Township Main Street Zone • Shops (Cellar Doors), Functions Centres and Tourism Accommodation development that exceeds relevant DTS/DPF thresholds (site area, floor area, setbacks and height) in the Productive Rural Landscape Zone • Rural Industry development that exceeds the DTS thresholds (site area, floor area, setbacks and height) • Any Development with a built form component that exceeds the Building Height and Setback DTS/DPF Criteria in the Employment Zone
City of Holdfast Bay	<ul style="list-style-type: none"> • 4 or more dwellings • A building of 3 or more storeys • Commercial development with an internal floor area greater than 600m² • Construction of a new dwelling where historic or character area overlay apply
City of Port Adelaide Enfield	<ul style="list-style-type: none"> • Located in the vicinity of heritage places or areas within a Historic Conservation Area overlay • Located adjacent to a residential area, where the construction cost is least \$3 million (not just the Port Adelaide Centre) • Located in the current Urban Renewal Zone of Blair Athol and Kilburn • Located along main roads (with a building height of 2 storeys or more) • Infill residential development on small or narrow blocks (e.g. less than 250m² in area) • Building height of at least three storeys or 9 metres (regardless of location) • Certain types of development typically located on Council road reserves that affect the public realm (e.g. outdoor dining areas or balconies above footpaths)
City of Prospect	<ul style="list-style-type: none"> • All development within the Urban Corridor Zone 2 storeys in height or greater • All high density housing (greater than 100 dwellings per hectare) • All mixed use development (2 storeys in height or greater) • Other development that will benefit from the design review process
City of Salisbury	<ul style="list-style-type: none"> • Student accommodation • Small scale residential infill (1 into 2 or 3) • Small scale land divisions • Industrial development
City of Tea Tree Gully	<ul style="list-style-type: none"> • Small scale infill • Higher density development • Recommend the ability to set a geographical area
City of West Torrens	<ul style="list-style-type: none"> • Demolition of a single dwelling with replacement of 3 or more dwellings • Multi-storey mixed use developments • Apartments (residential flat buildings)
Mount Barker District Council	<ul style="list-style-type: none"> • Land divisions
Active Living Coalition / Heart Foundation (SA)	<ul style="list-style-type: none"> • Individual buildings in the city (below the \$10 million trigger for State Design Review) • Infill development
Australian Institute of Architects (SA)	<ul style="list-style-type: none"> • 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

	<ul style="list-style-type: none"> • All development within selected zones with significant impact and upscaling - e.g. urban corridor • 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.
Social Planners Network	<ul style="list-style-type: none"> • Greenfield subdivisions

#17403933



12 August 2021

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Adelaide SA 5001

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saplanningcommission@sa.gov.au

Dear Sir/Madam

Public consultation for the Local Design Review Code Amendment

I write to advise you that the State Planning Commission (the Commission) has approved the draft Local Design Review Code Amendment (the Amendment) to commence public consultation pursuant to section 73(6) of the *Planning, Infrastructure and Development Act 2016* (the Act).

This Amendment will give effect to the [Local Design Review Scheme](#) (the Scheme), which was established under section 121 of the Act and approved by the Minister for Planning and Local Government in February 2021 and came into effect on 1 July 2021. This Amendment will enable councils who register under the Scheme to identify the classes of development which are eligible for Local Design Review in their area.

In May 2021, the Commission agreed to a Proposal to Initiate this Amendment under section 73(2)(a) of the Act, which enables the Commission to propose an amendment to the Planning and Design Code (the Code).

Staff from the Planning and Land Use Services (PLUS) Division of the Attorney-General's Department have since undertaken pre-consultation engagement with local government staff and industry stakeholders to help determine the most effective outcome for this Amendment.

The Commission is now seeking feedback in relation to the draft Amendment through public consultation that will be open from Thursday 12 August to Monday 27 September 2021.

For further information please contact Anita Allen, Director, Planning and Development, Planning and Land Use Services, Attorney-General's Department on 7109 7099 or Anita.Allen@sa.gov.au.

We look forward to receiving your feedback on this Amendment.

Kind regards

A handwritten signature in black ink that reads "Helen R. Dyer".

Helen Dyer
Chair

17403901



11 August 2021

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Hon Vickie Chapman MP
Minister for Planning and Local Government
GPO Box 464
ADELAIDE SA 5001

Dear Minister

Public consultation approved for the Local Design Review Code Amendment

I write to advise you, as Minister for Planning and Local Government, that the State Planning Commission (the Commission) has approved the draft Local Design Review Code Amendment (the Amendment) to commence public consultation pursuant to section 73(6) of the *Planning, Infrastructure and Development Act 2016* (the Act). The draft Amendment is provided as **Attachment 1**.

This Amendment will give effect to the Local Design Review Scheme (the Scheme), which was established under section 121 of the Act and approved by you in February 2021 and came into effect on 1 July 2021. This Amendment is required under section 121(1) of the Act to enable councils who register under the Scheme to identify classes of development that would be eligible for Local Design Review in their area. The approved Scheme is included as **Attachment 2**.

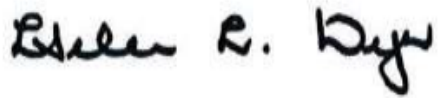
In May 2021, the Commission agreed to a Proposal to Initiate this Amendment under section 73(2)(a) of the Act, which enables the Commission to propose an amendment to the Planning and Design Code (the Code).

Staff from the Planning and Land Use Services (PLUS) Division of your Department have since undertaken pre-consultation engagement with local government staff and industry stakeholders to help determine the most effective outcome for this Amendment.

The Commission has now approved public consultation on the Amendment from Thursday 12 August to Monday 27 September 2021 in accordance with the attached Engagement Plan (**Attachment 3**).

For further information please contact Anita Allen, Director, Planning and Development, Planning and Land Use Services, Attorney-General's Department on 7109 7099 or Anita.Allen@sa.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Helen R. Dyer". The signature is written in a cursive style with a large initial 'H' and 'D'.

Helen Dyer
Chair

Attachments:

1. Draft Local Design Review Code Amendment for Consultation
2. Local Design Review Scheme
3. Local Design Review Code Amendment Engagement Plan

LOCAL DESIGN REVIEW SCHEME FOR SOUTH AUSTRALIA

Established under the *Planning, Development and Infrastructure Act 2016*

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.



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.

The *Planning, Development and Infrastructure Act 2016* enables South Australia’s new planning system to place greater emphasis on high-quality design. One of the ways it achieves this is by creating more opportunities to participate in Design Review under this Local Design Review Scheme (the Scheme).

This Scheme sets out consistent procedural requirements for councils who wish to provide Local Design Review within their communities and through the use of Independent Design Review Administrators.

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I. Introduction

I.1. Legislative Context

Section 121 of the *Planning, Development and Infrastructure Act 2016* (the **Act**) enables the Minister for Planning and Local Government (the **Minister**) to establish a design review scheme (the **Scheme**), where a person who is considering undertaking types of development specified in the Planning and Design Code may apply to a design panel for design advice.

It is intended that design review under this Scheme be available to development proposals in South Australia that will be assessed by relevant authorities appointed by councils.

I.2. Design Review

Design Review is an independent evaluation process where a panel of built environment experts (a **design panel**) review the design quality of a development proposal before it is lodged for assessment. Design Review is most effective when undertaken early in the planning and design process to effect positive change during design development. Proponents are typically encouraged to participate in more than one Design Review session.

The role of Design Review is not to redesign development proposals, but rather to identify and discuss opportunities to encourage high-quality design. In particular, Design Review under this Scheme provides the opportunity to obtain advice (**design advice**) in relation to:

- a) the form or content of a proposed development;
- b) how the proposed development might be changed or improved;
- c) other relevant matters that may assist with the assessment of the development; and/or
- d) other matters that may be relevant to the design of the proposed development.

The design advice is a summary of a Design Review session and is provided to the proponent to assist with design development. The design advice is also provided to the relevant authority when the development application is lodged for the purposes of development assessment.

The Act requires that any design advice provided by a design panel under this Scheme must be taken into account by the relevant authority when it is undertaking its assessment of the relevant development (insofar as may be relevant to the assessment of the proposed development by the relevant authority).

I.3. Principles of Design Review

It is important that Design Review is carried out using a robust process and that it offers consistently high standards in the quality of advice. Design Review under this Scheme is informed by the following Principles of Design Review:

- a) **Independent**
Design Review should be conducted by people who are not connected with the proponent or decision-makers so as to avoid any conflicts of interest.
- b) **Expert**
Design Review should be carried out by appropriately experienced design experts who have training in delivering constructive feedback.
- c) **Multidisciplinary**
Design Review should combine the perspectives of specialist experts, including architects, landscape architects and urban designers, with consideration of planning matters to provide a complete and rounded assessment.
- d) **Accountable**
A design panel and its advice should be clearly seen to be supporting the public's interest.
- e) **Transparent**
Information about Design Review, panel membership, funding and governance should be available to the public.
- f) **Timely**
Design Review should take place as early in the design process as possible so as to effect positive change during design development and to avoid reworking.
- g) **Advisory**
A design panel should not make decisions or give direction; it offers impartial advice and recommendations to the proponent and relevant authority.
- h) **Objective**
Design Review should appraise development proposals according to reasoned and objective principles, rather than stylistic tastes or subjective opinion.
- i) **Accessible**
The recommendations arising from Design Review should be expressed in terms that design teams, decision-makers and proponents can clearly understand and apply.

I.4. Principles of Good Design

Design Review under this Scheme and the resulting design advice must be guided by South Australia's *Principles of Good Design* as published in the *design quality policy* under section 59 of the Act.

The Principles of Good Design are:

- a) **Context**
Good design is contextual because it responds to the surrounding environment, and contributes to the existing quality and future character of a place.
- b) **Inclusive**
Good design is inclusive and universal because it creates places for everyone to use and enjoy, by optimising social opportunity and equitable access.
- c) **Durable**
Good design is durable because it creates buildings and places that are fit for purpose, adaptable and long-lasting.
- d) **Value**
Good design adds value by creating desirable places that promote community and local investment, as well as enhancing social and cultural value.
- e) **Performance**
Good design performs well because it realises the project's potential for the benefit of all users and the broader community.
- f) **Sustainable**
Good design is sustainable because it is environmentally responsible and supports long-term economic productivity, health and wellbeing.

1.5. Objects of the Scheme

The objects of this Scheme are to—

1. Support development that demonstrates high-quality design.
2. Improve access to independent and expert design advice early in the planning and design process.
3. Support consistent and informed planning decisions.
4. Facilitate collaboration between allied professionals.
5. Support South Australia's planning system to meet the objects of the Act in section 12, including to—
 - a) support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities by creating an effective, efficient and enabling planning system; and
 - b) promote certainty for people and bodies proposing to undertake development while at the same time providing scope for innovation; and
 - c) promote high standards for the built environment through an emphasis on design quality in policies, processes and practices, including by providing for policies and principles that support or promote universal design for the benefit of people with differing needs and capabilities.
6. Demonstrate practical application of the *Principles of Good Planning* identified in section 14 of the Act, particularly—
 - a) high-quality design; and
 - b) activation and liveability; and
 - c) sustainability.

1.6. Operation

This Scheme will come into operation on 1 July 2021.

1.7. Interpretations

In this Scheme, unless the contrary intention appears—

Act means the *Planning, Development and Infrastructure Act 2016*;

applicant means a proponent who has submitted an application for design review under this Scheme;

code of conduct means the code of conduct referred to in Part 8 of this Scheme;

Commission means the State Planning Commission;

constituent council means a council that has obtained, or that is a member of a group of councils that have obtained, the registration as a Local Design Review Administrator under this Scheme;

council means a council constituted under the *Local Government Act 1999*;

Department means the Attorney-General's Department;

design panel means one or more design panel members (including the panel Chair) selected for a design review session;

design review session means the design review of a proposed development;

designated entity means a Local Design Review Administrator or Independent Design Review Administrator;

Independent Design Review Administrator means the person or body recognised by the Department to administer a panel member pool under this Scheme;

Local Design Review Administrator means the council or group of councils recognised by the Department to administer design review under this Scheme;

Minister means the Minister for Planning and Local Government;

ODASA means the Office for Design and Architecture SA;

panel Chair means the Chair of a design panel;

panel member means a member of a design panel (including the panel Chair);

panel member pool means one or more pre-qualified panel members from which a design panel is selected;

proponent means a person, persons or body considering the undertaking of development;

registered architect means a person who is registered as an architect under the *Architectural Practice Act 2009*;

relevant authority means any relevant authority under section 82 of the Act.

Note: Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

2. Establishing Design Review

2.1. Development to which this Scheme will apply

1. Design review under this Scheme will be available to any class of development specified by the Planning and Design Code.
2. If a council determines to encourage certain development proposals to participate in design review under this Scheme by—
 - a) reducing the proponent application fee under section 3.1.2(d) of this Scheme; or
 - b) applying any other incentive,

then the council should do so consistently for all development proposals within that same class of development in a manner that is transparent and accessible to the public.

2.2. Relevant Designated Entity

If a council determines to make design review available in its area by participating in this Scheme, design review in its area will be carried out—

- a) if the council is a constituent council – by a design panel established by the Local Design Review Administrator; or
- b) in any other case – by a design panel established by an Independent Design Review Administrator in accordance with the provisions of this Scheme.

2.3. Registration as a Designated Entity

1. This section applies if a council has made a determination under section 2.2.
2. A council, or a group of two or more councils, may seek registration as a Local Design Review Administrator for the purposes of this Scheme.
3. A person, body or any other appropriate entity, including a professional association, or a group of two or more professional organisations, may seek registration as an Independent Design Review Administrator for the purposes of this Scheme.
4. An application for registration as a designated entity must—
 - a) be made to the Chief Executive of the Department; and
 - b) be in the approved form determined by the Chief Executive of the Department; and
 - c) include any information specified in the approved form; and
 - d) be accompanied by any prescribed registration fee.
5. The Chief Executive of the Department may, as they think fit, accept or refuse any application for registration as a designated entity under this Scheme.
6. Registration under this Scheme will be for a period of 3 years and may be renewed by the Chief Executive of the Department from time to time on a new application for registration under this Scheme.

2.4. Design Panel Membership

1. Each designated entity may establish one panel member pool under this Scheme.
2. Each panel member pool must include at least one person who can act as a panel Chair under this Scheme.
3. All persons within a panel member pool established by a Local Design Review Administrator must be independent from the relevant council or councils and any person acting as a relevant authority for that council or those councils.
4. Each design panel must have a panel Chair.
5. Where a design panel is made up of one person, this person will be taken to be the panel Chair.
6. Where the proposed development includes built form, the panel Chair must be a registered architect.

2.5. Panel Member Selection Process

1. The panel member selection process for any designated entity must be advertised publicly, including on the SA planning portal, for a minimum of 15 business days.
2. All panel members must have at least—
 - a) a tertiary qualification in a relevant field, such as—
 - i. Architecture; or
 - ii. Landscape Architecture; or
 - iii. Urban Design; and
 - b) 7 years of professional experience relating to that field.
3. In addition to the requirement in section 2.5.2, the designated entity must be satisfied that—
 - a) panel members are highly regarded within their field; and
 - b) panel members can communicate in a clear, objective and constructive manner in relation to design quality; and
 - c) the panel member pool provides a sufficient representation of the expert skills required for design review; and
 - d) panel members can fulfil the responsibilities outlined in section 5.2 to a high standard; and
 - e) panel Chairs can fulfil the responsibilities outlined in section 5.3 to a high standard.
4. The designated entity must provide the names of the successful panel member applicant(s) to ODASA within 10 business days of the applicant(s) being notified of the outcome of their application(s).

2.6. Engagement of Panel Members

1. The designated entity must provide each panel member with an instrument of appointment.
2. An instrument of appointment provided under this section must be accompanied by a copy of the code of conduct requirements under Part 8 of this Scheme.
3. The designated entity must ensure instruments of appointment for panel members are current and valid.

2.7. Induction of Panel Members

All panel members must successfully complete an induction program, including any training, in accordance with guidelines determined by ODASA, prior to undertaking design review under this Scheme.

2.8. Administrative Requirements

1. A designated entity must have sufficient resources to meet the requirements outlined in this Scheme.
2. ODASA must ensure that a record of current designated entities and their panel members is maintained and publicly accessible on the SA planning portal.

3. Applying for Design Review

3.1. Application Process

1. A proponent who is seeking to participate in design review under this Scheme must apply to the council before lodging their development application with the relevant authority.
2. The application must—
 - a) be in the form approved by the Commission; and
 - b) include any information specified in the approved form; and
 - c) be lodged via the method outlined in the approved form; and
 - d) be accompanied by any relevant prescribed fee.
3. The council may require an applicant—
 - a) to provide such additional documents or information as may be reasonably required to assess the application; and
 - b) to remedy any defect or deficiency in any application or accompanying document or information required under this Scheme.
4. If an application for design review under this Scheme is made in relation to a class of development specified in the Planning and Design Code, the council must accept the application for design review.
5. The council and proponent may agree to undertake subsequent design review sessions before the relevant development application is lodged with the relevant authority.

3.2. Documentation

ODASA must ensure that the approved application form under section 3.1.2(a) of this Scheme is publicly accessible on the SA planning portal.

4. Preparing for Design Review

4.1. Establishing a Design Panel

1. If a constituent council receives a valid application for design review under this Scheme, the constituent council must take all reasonable steps within 5 business days to—
 - a) establish the design panel from the panel member pool with expertise suitable for the development proposal; and
 - b) confirm the date and time of the design review session with the panel members and proponent.
2. If a council that is not a constituent council receives a valid application for design review under this Scheme (and the council has made a determination under section 2.2), the council must forward the application to an Independent Design Review Administrator within 5 business days and request that they supply a design panel.
3. If section 4.1.2 applies—
 - a) the Independent Design Review Administrator must take all reasonable steps to establish the design panel from the panel member pool with expertise suitable for the development proposal and confirm with the council within 5 business days; and
 - b) the council must confirm the date and time of the design review session with the panel members and proponent.
4. Panel members should, so far as reasonably practicable, be the same persons when undertaking multiple reviews of the same project.

4.2. Preparing the Design Panel

1. Before a design review session takes place, the council must—
 - a) confirm the format of the session and coordinate the venue (if applicable); and
 - b) coordinate panel member, proponent and other stakeholder attendance; and
 - c) provide the design panel with reasonable information about—
 - i. any relevant planning instruments under Part 5 Division 2 of the Act, including specific policies or rules that are relevant to the proposal; and
 - ii. any other planning matter, design guidelines and government policy relevant to the proposal; and
 - iii. any local planning and design challenges, opportunities and priorities; and
 - iv. any other relevant matter.
2. Before a design review session takes place, panel members must—
 - a) review any information provided by the council that is relevant to the development proposal; and
 - b) identify any conflicts of interest and inform the designated entity of any such conflicts, before the session commences.
3. A panel member must not participate in any design review session where a conflict exists.

5. Undertaking Design Review

5.1. Role of the Council

1. The council must—
 - a) undertake a briefing with the design panel prior to the design review session; and
 - b) assist the panel Chair to minute the discussion from the design review session.
2. The council should provide a planning officer to—
 - a) participate in the briefing with the design panel; and
 - b) observe the design review session.

5.2. Role of the Design Panel

During the design review session, panel members must—

- a) communicate clearly, objectively and constructively (whether supportive or critical) in an accessible manner; and
- b) demonstrate strong critical and analytical skills; and
- c) treat all information acquired through performing any function relating to this Scheme confidentially.

5.3. Role of the Design Panel Chair

In addition to the responsibilities in section 5.2, the panel Chair must—

- a) lead and facilitate the design review session in a professional and considerate manner; and
- b) respectfully manage panel members, proponents or other stakeholders who express strong or conflicting opinions; and
- c) synthesise and summarise disparate or conflicting views; and
- d) summarise the design review discussion; and
- e) ensure the design review discussion is minuted accurately.

6. Design Advice

6.1. Preparing Design Advice

The design advice must be completed in a format determined by ODASA and—

- a) be an accurate summary of the design review session; and
- b) where possible, use clear and accessible language; and
- c) remain confidential until the relevant development application is lodged with the relevant authority.

6.2. Provision of Design Advice

1. The panel Chair must finalise the design advice and provide a copy to the council as soon as practicable.
2. The council must provide a copy of the finalised design advice to the proponent as soon as practicable.
3. It is intended that a copy of the finalised design advice be provided to the proponent within 5 business days after the design review session.

6.3. Correction of Errors

1. If design advice is found to contain an error, the council may withdraw it and request it be corrected by the panel Chair, and then re-issue it to the proponent.
2. The design advice must retain its original date and be clearly marked with an explanation of reissue.

6.4. Lodging Design Advice with a Development Application

1. The proponent must provide a complete copy of the most recent design advice to the relevant authority with the relevant development application.
2. The proponent must include a response to the most recent design advice, including any changes made to the proposal since the most recent design review session.

6.5. Status of the Design Advice in the Planning System

1. In considering a development application that was subject to design review under this Scheme, the relevant authority must take into account the design advice (insofar as may be relevant to the assessment of proposed development by the relevant authority).
2. The relevant authority should consider how the lodged proposal has responded to the design advice provided by the design panel.

6.6. Design Opinion on a Lodged Development Application

If a relevant authority requests that a council seek an opinion in relation to the design of a lodged development application, then the council should do so in a way that upholds the principles and objects outlined in sections 1.3, 1.4 and 1.5 of this Scheme.

7. Monitoring, Performance and Complaints

7.1. Feedback

A proponent may provide feedback to the council on their experiences of design review under this Scheme, the quality of the design advice they received, and the impact it had on the final outcome.

7.2. Annual Evaluation

1. The designated entity must undertake an annual evaluation of the operation of this Scheme in its area in a format determined by ODASA.
2. Each annual evaluation will relate to a financial year.
3. To undertake the evaluation, the designated entity must collect data on each project that was the subject of design review in the relevant year including—
 - a) the class of development; and
 - b) the address or site of the proposed development; and
 - c) any relevant planning zone, subzones and overlays; and
 - d) the estimated development cost; and
 - e) the panel members and Chair; and
 - f) the number of design review sessions undertaken; and
 - g) project status as at the end of the financial year (if known).
4. The designated entity must provide the complete evaluation report and any feedback received under section 7.1 to ODASA within 3 months of the end of the financial year.

7.3. Data Storage

Designated entities and councils participating in this Scheme must store all data collected under this Scheme securely and take such steps as may be reasonably necessary or appropriate to keep it confidential.

7.4. Complaints

1. A proponent may lodge a complaint to a council in relation to this Scheme, if the proponent—
 - a) believes that the designated entity failed to comply with, or acted in contravention of, the Act or any regulations under the Act with respect to any matter associated with this Scheme; or
 - b) believes that there has been a breach of the code of conduct; or
 - c) believes that the written design advice is not an accurate representation of the discussion from a design review session.
2. A council may lodge a complaint to an Independent Design Review Administrator in relation to this Scheme, if the council—
 - a) believes that the Independent Design Review Administrator failed to comply with, or acted in contravention of, the Act or any regulations under the Act with respect to any matter associated with this Scheme; or
 - b) believes that there has been a breach of the code of conduct; or
 - c) believes that the written design advice is not an accurate representation of the discussion from a design review session.
3. A complaint made under this Scheme must—
 - a) be made in the form approved by the council or designated entity; and
 - b) contain particulars of the allegation on which the complaint is based; and
 - c) include any other information specified by the council or designated entity.
4. The council or designated entity may refuse to investigate a complaint or, having accepted a complaint for investigation, may refuse to investigate it further, if it appears that—
 - a) the matter raised by the complaint is trivial; or
 - b) the complaint is frivolous or vexatious or is not made in good faith; or
 - c) it would be more appropriate for proceedings to be initiated in a court or tribunal constituted by law, or for the matter to be handled by another authority; or
 - d) there is some other good reason not to proceed (or further proceed) with the matter under this Scheme.
5. While no action may be brought against a panel member on the basis of any advice or other action given or taken by a design panel under section 121(8) of the Act, the designated entity may, at the conclusion of any complaints resolution process—
 - a) decide to take no further action on the complaint; or
 - b) undertake any consultation or further inquiry as the designated entity thinks fit; or
 - c) amend the design advice; or
 - d) make recommendations to the panel member; or
 - e) caution or reprimand the panel member; or
 - f) determine that a person no longer hold office as a panel member under this Scheme; or
 - g) take such other action as the designated entity thinks fit.

8. Code of Conduct

8.1. Introduction

This Part provides for standards of conduct and professionalism that are to be observed by all persons and bodies operating under the Act.

For the purposes of the Act, all persons and bodies performing a function under this Scheme must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of the design review scheme under the Act.

A designated entity may also develop and maintain other code of conduct requirements for the purposes of this Scheme.

These standards and requirements constitute a code of conduct and must be read in conjunction with the requirements under the Act.

8.2. Requirements under the Act

All persons or bodies operating under this Scheme are subject to a statutory duty under section 15 of the Act as follows:

- (1) *It is expected that a person or body that—*
 - (a) *seeks to obtain an authorisation under this Act; or*
 - (b) *performs, exercises or discharges a function, power or duty under this Act; or*
 - (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act,*

will—

 - (d) *act in a cooperative and constructive way; and*
 - (e) *be honest and open in interacting with other entities under this Act; and*
 - (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*
- (2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must—*
 - (a) *exercise professional care and diligence; and*
 - (b) *act honestly and in an impartial manner; and*
 - (c) *be responsible and accountable in its conduct; and*
 - (d) *comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*
- (3) *The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*
- (4) *The principles and benchmarks under this section—*
 - (a) *do not give rise to substantive rights or liabilities; but*
 - (b) *may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.*

**OFFICE FOR
DESIGN+
ARCHITECTURE SA**

 **PlanSA**



Government of South Australia
Attorney-General's Department

When:
Tuesday
15/6/21

Time:
9:30am – 11am

Where:
ODASA
28 Leigh Street
Adelaide
+
MS Teams

Meeting Summary: Local Design Review Code Amendment Workshop (Councils)

Attendees (14)

- Council staff: Caitlin Rorke-Wickins (City of West Torrens), David Brown (City of Unley), Glenn Searle (Mt Barker District Council), Janine Lennon (Barossa Council), Jessica Lewig (Town of Gawler), Matthew Fielke (Rural City of Murray Bridge), Michael Gates (City of Holdfast Bay), Scott McLuskey (City of Prospect), Tim Pride (City of Mitcham)
- Office for Design and Architecture SA: Brad McCormack (facilitator and presenter), Jane Crosby, Sonya Carthy
- Planning and Development: Jeffery Sewart, Rhiannon Hardy (presenter)

Purpose of the meeting

To help inform the Local Design Review Code Amendment before it is released for public consultation.

Presentation

Refer to the list of classes circulated with the meeting agenda and the attached presentation.

- Brad welcomed the group and positioned the workshop within the context of the Local Design Review Scheme (the Scheme) and Code Amendment (the Amendment) process.
- Rhiannon presented a draft list of consolidated development classes for discussion. Rhiannon also suggested to align the outcome of this Code Amendment with the Planning and Design Code's (the Code) principles of consistency and certainty, and aim to apply classes according to Code zones, subzones and overlays.

Group discussion points

Establishing preliminary classes of development for the draft Amendment

- There was general agreement that setting eligibility triggers for Local Design Review would be helpful for councils to manage the potential volume of projects and resourcing requirements.
 - Classes would need to be set at the right level to service the Scheme and enable the participation of development proposals that would most benefit from Design Review. The diversity of development proposals, planning policy and local contexts throughout South Australia should be considered.
 - Establishing a set list of eligible development classes may exclude projects from accessing Design Review that would benefit from the service.
 - There is a risk that the public may expect Design Review for all development if it applies too broadly.
- Setting a monetary value as an eligibility threshold for Design Review was discussed.
 - There were mixed views on what this limit could be and how this might vary between metro and regional councils.
 - A \$2 million threshold was discussed as an example, which may be too low in some council areas (i.e. for major projects) and too high in others (i.e. some regional contexts).
 - Caution was expressed around the lack of flexibility using a monetary value.
- It was suggested that any development proposal over/beyond Code policy (i.e. height and density) be eligible for Design Review.
 - In some instances the scale, interface and complexity of a proposal may be better indicators for Design Review than height or monetary thresholds.
- The cumulative impact of smaller-scale infill development (1 into 3 – 5) was discussed.
 - Examples from the General Neighbourhood and Corridor Zones were discussed and whether or not eligibility for Design Review would be triggered by a monetary value or exceeding height or density limits for this type of development.
 - There were mixed views between different councils on whether this type of development would benefit from Design Review.
- It was observed Design Review would be beneficial for projects with public realm interface/interaction and their eligibility should be considered.
- It was suggested that Assessment Managers have the ability to enable projects to participate in Design Review (where the proponent is willing) that may have a significant impact on the local area.



Recommendations for Local Design Review eligibility

- Threshold of \$3 million development cost
- Mixed use developments in activity centres
- Supported accommodation
- Student accommodation
- Affordable housing
- Land divisions and new land releases
- Development that impacts on a heritage place, or is within a historic or character area
- Infill development (e.g. General Neighbourhood and Corridor Zones)
- Within the Township Main Street Zone and Suburban Main Street Zone (regardless of road ownership)
- Industrial development to manage interface impacts
- Development using significant development site incentives in the Code
- Development in the Hills Face Zone.

Timing of the Code Amendment

- A number of attendees requested that the timing of this Amendment consultation be considered in the context of other recently announced amendments as they may overlap (e.g. EFPA, Bushfire and Flooding Amendments).
 - A staggered approach to these Amendments was requested if possible.

General feedback in relation to the Scheme

- Further education and tools to understand design/design quality would be helpful.
 - ODASA is preparing to play a role in this space and is currently developing a user Guide to assist with implementation of the Scheme.
 - Other marketing opportunities are also being explored to support participating councils and raise awareness of the process, benefits and positive outcomes.
- There was a discussion around the current uptake of State Design Review.
 - Latest figures from ODASA show around 70% of eligible projects participate in the State Design Review program.
- Design Review is most effective pre-lodgement and would benefit from incentives to encourage participation (noting that the Scheme can only operate pre-lodgement).
- There is limited procedural or guidance support currently available for the Scheme, which leads to a view that it may be too administrative.
 - ODASA confirmed that they are working on a user guide for the Scheme that will include all templates, forms and other helpful guidance material to assist and simplify the process.
 - ODASA will also provide ongoing support to participating councils.
- Proponents currently test early design ideas with councils.
 - Proponents may be discouraged from participating in formal Design Review during early stages as the design advice is carried through to assessment. Particularly if only one design review session is held.
 - It can be valuable to catch developments before they are designed.
 - ODASA is developing a consistent design advice template that will enable proponents to respond to the advice and how their design has progressed.
- There is a view amongst council staff that Design Review should be mandatory for certain classes of development.
 - It was confirmed that mandatory Design Review is not currently possible under the *Planning, Development and Infrastructure Act 2016* and is not being considered at this time.

Final comments

- Start with a narrow list of development classes in the Code.
- It is important to have an independent process rather than in-house advice only.
- Whichever method of specifying eligibility for Design Review is adopted, there is a desire for councils to be able to amend it in a timely, simple and efficient manner.
- Consultation on the draft Amendment will be announced in the coming month(s).
 - All attendees to this workshop will be notified of consultation directly.

Attachments

- A. Workshop agenda
- B. Suggested development classes for Local Design Review received during public consultation on the draft Local Design Review Scheme (26 June – 21 August 2020)
- C. Workshop presentation slides



When:
Thursday
8/7/21

Time:
9:30am – 10:30am

Where:
MS Teams

Meeting Summary: Local Design Review Code Amendment Workshop (Industry Representatives)

Attendees (8)

- Industry Representatives: Mario Dreosti (Association of Consulting Architects), Pat Gerace (Urban Development Institute of Australia), Richard Fowler (Property Council of Australia), Stephen Smith (Local Government Association)
- Apologies: Elinor Walker (Planning Institute of Australia)
- Office for Design and Architecture SA: Brad McCormack (facilitator and presenter), Sonya Carthy
- Planning and Development: Jeffery Sewart, Rhiannon Hardy (presenter)

Purpose of the meeting

To help inform the Local Design Review Code Amendment before it is released for public consultation.

Presentation

Refer to the list of classes circulated with the meeting agenda and the attached presentation.

- Brad welcomed the group and positioned the workshop within the context of the Local Design Review Scheme (the Scheme) and Code Amendment (the Amendment) process.
- Rhiannon presented a draft list of consolidated development classes for discussion. Rhiannon also discussed aligning the outcome of this Amendment with the Planning and Design Code's (the Code) principles of consistency and certainty, and potential to apply classes of development according to Code zones, subzones and overlays.

Group discussion points

Establishing preliminary classes of development for the draft Amendment

- Some participants initially understood that Local Design Review would be available to development involving heritage places and character areas.
 - There was a general understanding that it may apply more broadly to other development types, including Greenfield areas, Master Planned Zones or larger-scale developments.
 - It was noted that these other types of development may be subject to their own internal Design Review processes.
- There is a risk that if too many applications are eligible, it could result in processing and assessment delays at the council.

Recommendations for Local Design Review eligibility

- The general consensus was that the list of development classes should include small-scale infill development.
- Development of increasing scale along main roads, such as Churchill Road was identified to potentially benefit from Local Design Review.
- There was a view that Local Design Review should be mandatory for all subdivision/infill applications and applications within character areas.
- Developments involving the amalgamation of multiple parcels of land.
- Rather than limit the review process to development classes, it was requested that it be open to anyone who would like to access it.

General feedback in relation to the Scheme

- Uncertainty was expressed around the number of councils that may choose to sign up to the Scheme and provide Design Review.
- While Local Design Review is voluntary (as required by the *Planning, Development and Infrastructure Act 2016*), there is a perception that some councils may attempt to make it a mandatory process.
- There is scepticism about the need for Local Design Review given that the Code already provides policies with a focus on design.
 - Greater clarification or justification for introducing Local Design Review would be helpful, including identifying the problems or issues driving the need for the Scheme, what does it intend to fix and what outcomes is it trying to achieve.
 - There was a view that the Scheme is aspirational, aimed at elevating design quality and not addressing a specific problem.



- It was noted that typical budgets/margins associated with smaller-scale infill developments may limit the ability for proponents to participate in Local Design Review.
 - Outlining incentives to encourage proponent participation may be beneficial to the Scheme and participation rates.
- A concern was raised about the appropriate skill-level of design panel members that will be required to provide advice on the range of different development types being considered.
 - It was acknowledged that the Scheme requires panel members to be suitably qualified, skilled, experienced and trained to undertake Design Review.
- Concerns were raised about the review process operating outside of the Code without a formal referral process and that this may be difficult to manage.
 - It was suggested that good design should start with the Code.
- Query whether the design advice should be consistent with Code policies.
- Pat requested another meeting and suggested that he would like to invite particular people who have experience in this area.

Final comments

- The suggested development classes for Local Design Review will be refined based on the discussions with councils and industry representatives.
- Public consultation on the Amendment is likely to commence within the coming month(s).
 - All attendees to this workshop will be notified of consultation directly.

Attachments

- A. Workshop agenda
- B. Suggested development classes for Local Design Review received during public consultation on the draft Local Design Review Scheme (26 June – 21 August 2020)
- C. Workshop presentation slides

