

**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING & DESIGN CODE**

Local Design Review Code Amendment

By the State Planning Commission



(Signature Required)

CHAIR, STATE PLANNING COMMISSION

Date: 17/05/2021

This Proposal to Initiate document forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(a) of the *Planning, Development and Infrastructure Act 2016*.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

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1. INTRODUCTION

The State Planning Commission (the Commission) is an independent body providing advice and leadership on all aspects of planning and development in South Australia. A key role is to ensure the Planning and Design Code (the Code) is maintained, reflects contemporary values relevant to planning and is responsive to emerging trends and issues.

The Proponent (the Commission) is proposing to initiate an amendment to the Code (the Code Amendment) as it relates to the whole of South Australia, excluding coastal waters (the Affected Area).

The Commission seeks to amend the Code pursuant to section 73(2)(a) of the *Planning, Development and Infrastructure Act 2016* (the Act). This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment.

The Commission is the 'designated entity' responsible for conducting this Code Amendment process and is required to undertake consultation in accordance with the Community Engagement Charter and make final recommendations to the Minister for Planning and Local Government (the Minister) prior to consideration whether to approve, amend or refuse the Code Amendment.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(2)(a) of the Act, the Commission will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Commission acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Commission intends to undertake the Code Amendment by utilising professional expertise of employees of the Department including:
 - Staff from the Office of Design and Architecture SA (ODASA)
 - Planning officers
 - Communications staff
 - Staff responsible for the technical management and operation of the online Planning and Design Code.

1.2. Rationale for the Code Amendment

Section 121 of the Act enables the Minister to establish a design review scheme.

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

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 is included for reference as **Attachment A**.

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

The Local Design Review Scheme will expand the availability of Design Review to development proposals that are assessed by relevant authorities appointed by councils. Councils in South Australia are increasingly offering design advisory services to proponents in varying formats. The Scheme sets out a consistent approach to Local Design Review to support those councils who choose to provide the service within their communities, as well as independent Design Review providers.

The 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 Act.

The purpose of this Code Amendment is to specify classes of development that are 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.

It is important that a broad list of development classes be established by this Code Amendment that reflects all potential participating councils so that they can utilise the Scheme to support high-quality design for the benefit of their communities.

2. SCOPE OF THE CODE AMENDMENT

2.1. 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 as required by section 121(1) of the Act. Accordingly, the proposal seeks to amend the Code for the whole of South Australia; the amendment is not limited to a specified spatial area.

2.2. Scope of Proposed Code Amendment

Current Policy	None – Design Review is currently not available to development under section 121 of the Act ¹ .
Amendment Outline	The Code Amendment seeks to specify classes of development eligible for design review through the Local Design Review Scheme.
Intended Policy	Additional policy (i.e. assessment provisions) is not intended to form part of the Code Amendment, rather is intended that the Code Amendment will amend <i>Part 5 - Specified matters and areas identified under the Act and Regulations</i> to specify classes of development eligible for design review.

3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

3.1. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State’s overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>SPP2: 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>The Amendment will give effect to the Scheme, which provides for the practical application of a number of objectives and policies from the Design Quality Policy (which is a mandatory SPP under section 59 of the Act).</p> <p>The Design Review process will enable the practical application of the Principles of Good Design through the provision of advice from a panel</p>

¹ State Design Review currently conducted through the SCAP and ODASA does not operate under a legislative mechanism, but is used to inform statutory referrals to the Government Architect.

<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>of built environment experts (with mandatory tertiary qualifications in Architecture, Landscape Architecture or Urban Design) to identify and discuss opportunities to encourage high-quality design.</p> <p>While the Code Amendment does not propose new policies, it facilitates the provision of project-specific design advice which will enable the relevant objectives of SPP2 to be satisfied.</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>The Scheme and Code Amendment will also support other related SPPs through the provision of expert design advice in relation to how a development may better respond to various matters, including SPP3: Adaptive Reuse, SPP5: Climate Change and SPP7: Cultural Heritage.</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 existing and desired future context of a place.</p>	

3.2. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The *30-Year Plan for Greater Adelaide (2017 Update)* volume of the Planning Strategy (which has transitioned to a Regional Plan under the Act) is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p><i>30-Year Plan for Greater Adelaide (2017 Update)</i> Policy Theme: Design quality</p>	<p>The Code Amendment aligns with the identified actions by enabling the expansion of design review for a range of priority development.</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>The investigations identified in Action 15 have been undertaken through establishment of the Scheme, and the Code Amendment will enact the outcome of those investigations, to enable design quality to be encouraged through the design review process, and measured through the update of design review.</p>
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3.3. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
<p><i>Planning, Development and Infrastructure Act 2016</i> - Section 12 Objects of Act ...the scheme established by this Act is intended to—</p> <p>(c) promote certainty for people and bodies proposing to undertake development while at the same time providing scope for innovation; and</p> <p>(d) 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> <p>Section 14 Principles of Good Planning, particularly—</p> <p>a) high-quality design; and</p> <p>b) activation and liveability; and</p> <p>c) sustainability</p>	<p>The Scheme has been prepared taking into account sections 12 and 14 of the Act. The Code Amendment will enable those identified intentions and principles of the Act to be fulfilled.</p>

Local Design Review Scheme (Attachment A)	This Code Amendment will give effect to the Scheme, as required by section 121(1) of the Act. The Scheme is approved by the Minister to come into effect by 1 July 2021.
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4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome
Design Review in South Australia (ODASA 2017) (Attachment B)	Investigate the role and value of Design Review in South Australia, providing practical advice to those involved or interested in Design Review and the Development Assessment pre-lodgement process in South Australia.	The role, benefits, principles and resources of design review were detailed in the context of State Design Review undertaken through ODASA. These matters have been considered in development of the Scheme and in the subject Code Amendment.

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Nil	Nil

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

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

The draft Local Design Review Scheme was available for public comment for eight weeks from 26 June to 21 August 2020. The opportunity to provide feedback was open to everyone, with a particular focus on councils and the design, planning and development industries as future users of the Scheme. A consultation guide was also prepared to provide additional information about the draft Scheme and encouraged potential users to consider eligible classes of development.

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

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

- Adelaide Hills Council
- Barossa Council
- City of Adelaide
- City of Mitcham
- City of Prospect
- City of Tea Tree Gully
- Mount Barker District Council
- Rural City of Murray Bridge
- Australian Institute of Architects
- Australian Institute of Landscape Architects
- Housing Industry Association
- Local Government Association
- Planning Institute of Australia
- Urban Development Institute of Australia

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

Some stakeholders suggested development classes to be eligible for Local Design Review during the development of, and consultation on, the Scheme. The stakeholder suggestions are summarised in **Attachment D**. These suggestions have informed this Code Amendment, noting that the list will be subject to refinement through pre-consultation with stakeholders and public consultation.

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement proposes to address an identified issue or question
Pre-consultation with stakeholders (including councils which have expressed an interest in establishing a Local Design Review Panel).	Workshop with key stakeholders to refine the list of classes of development eligible for Design Review (Attachment D) to inform the Code Amendment.
Public consultation, involving: <ul style="list-style-type: none"> - notice on the PlanSA Portal and YourSAy website during the consultation period - Emails/letters to councils, the Local Government Association and other key stakeholders who participated in the Local Design Review Scheme pre-engagement - Social media posts (State Planning Commission and ODASA LinkedIn, PlanSA Facebook) - Planning Ahead newsletter article 	Seek feedback on the classes of development specified by the Code to be eligible for Local Design Review, and any other relevant matters.

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- Given the proposal is generally relevant to councils, the Local Government Association must be notified in writing and consulted;
- Given the proposal is specifically relevant to particular councils (where those councils did not initiate the proposal), councils will be directly notified of the proposal and consulted.
- Consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2. Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished on the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.3. Code Amendment Timetable

The Code Amendment is intended to be undertaken in line with the timeframe outlined **Attachment E**.

ATTACHMENT A

Local Design Review Scheme (March 2021)

[https://dit.sa.gov.au/ data/assets/pdf file/0006/804075/Local Design Review Scheme for South Australia.pdf](https://dit.sa.gov.au/data/assets/pdf_file/0006/804075/Local_Design_Review_Scheme_for_South_Australia.pdf)

ATTACHMENT B

Design Review in South Australia (2017)

[https://www.odasa.sa.gov.au/wp-content/uploads/ODASA-Design-Review-in-South-Australia WEB-FINAL_190325.pdf](https://www.odasa.sa.gov.au/wp-content/uploads/ODASA-Design-Review-in-South-Australia_WEB-FINAL_190325.pdf)

ATTACHMENT C

LOCAL DESIGN REVIEW SCHEME FOR SOUTH AUSTRALIA: Engagement Summary Report (March 2021)

<https://www.odasa.sa.gov.au/wp-content/uploads/Local-Design-Review-Scheme-Engagment-Summary-Report.pdf>

ATTACHMENT D

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	<p>Development that involves:</p> <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	<p>Criteria for existing Design Advisory Service:</p> <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 • 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

- Greenfield subdivisions

ATTACHMENT E

Timetable for Code Amendment

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Consideration of Proposal to Initiate	Commission	May 2021
Preparation of the Code Amendment		
Code Amendment Report prepared Amendment Instructions prepared	AGD/ODASA on behalf of the Commission	4 weeks
Preparation of Materials for Consultation	AGD/ODASA on behalf of the Commission	1 week
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Engagement Plan	AGD/ODASA on behalf of the Commission	6 weeks
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared	AGD/ODASA on behalf of the Commission	4 weeks
Assess the amendment and engagement. Prepare report to the Commission	AGD/ODASA on behalf of the Commission	4 weeks
Consideration of Advice	Commission	3 weeks
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

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.*

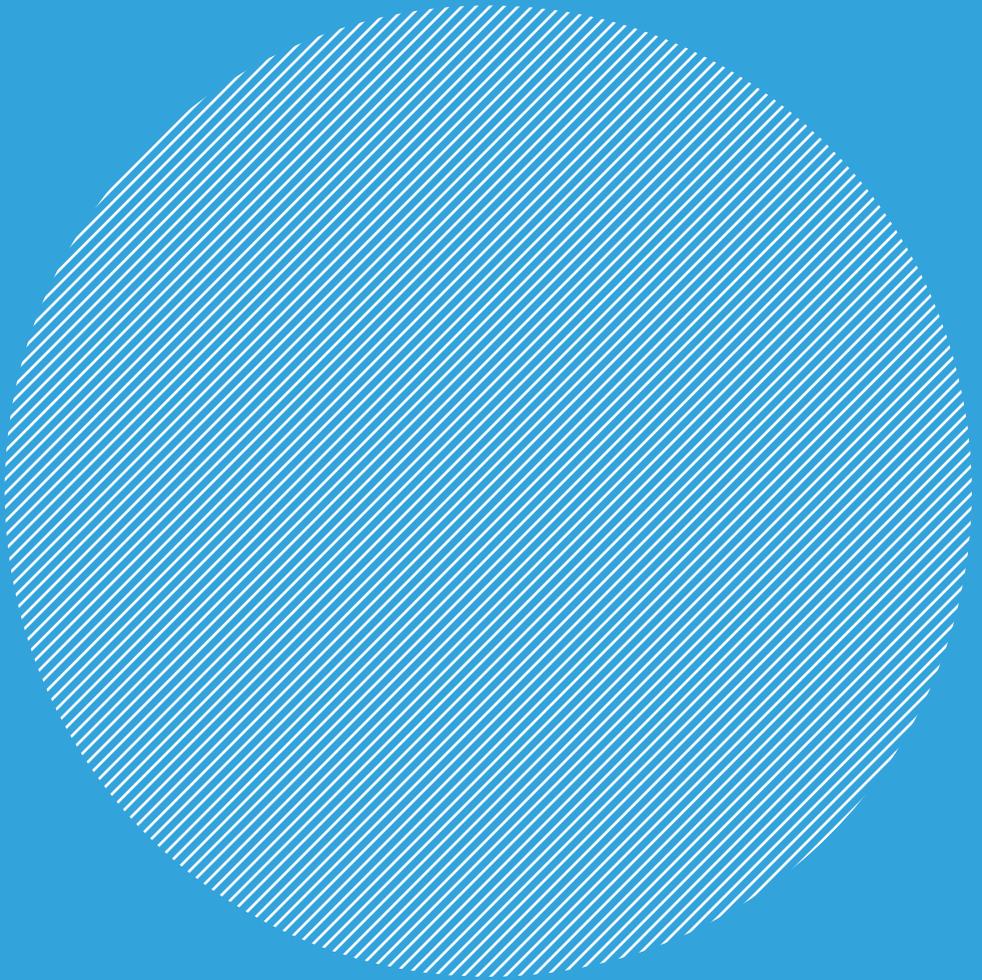
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Design Review in South Australia



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Introduction

This Guide describes the role and value of Design Review in South Australia, providing practical advice to those involved or interested in Design Review and the Development Assessment pre-lodgement process in South Australia.

The Design Review program was formed in 2011 under a licensing agreement with Design Council Caba UK and has since become a reliable method of promoting good design in South Australia. It is an efficient and cost effective way to improve the quality of design outcomes in the built environment.

The Design Review Program is led by the South Australian Government Architect and Associate Government Architect, with support by staff from the Office for Design and Architecture SA (ODASA), within the Department for Planning, Transport and Infrastructure (DPTI).

What is Design Review?

Design Review is an independent evaluation process in which a panel of built environment experts reviews the design quality of development proposals. It's a free and confidential service available to certain projects, as described in *The Role of Design Review*.

Design Review involves the presentation of a proposal to a panel of built environment experts. This presentation is supported by A1 panels that visually illustrate the scheme and may also include a physical model of the project in its context. Further information regarding presentation material can be found in the publication *Preparing for Design Review*.

The panel then reviews, discusses and expresses its views on the proposal. At the conclusion of the review, the Chair summarises the panel discussion, which then informs the Government Architect, Associate Government Architect or

nominated Chair's recommendations letter to the nominated proponent representative. Where concerns have been raised in the recommendations letter, further Design Review sessions are advised. Importantly, the role of Design Review is not to redesign proposals, but offer suggestions for alternative design approaches where potential for improved outcomes is identified.

Design Review is guided by the Principles of Good Design which focus on how buildings and places can meet the needs of the people who use them. These overarching principles inform the design quality evaluation.

The Planning, Development and Infrastructure Act 2016 contains principles of high-quality design relating to urban renewal, activation and liveability, sustainability, investment and integrated delivery.





Principles of Good Design

The ODASA Principles of Good Design are:

Context

Good design is **contextual** because it responds to the surrounding environment, and contributes to the existing quality and future character of a place.

Inclusive

Good design is **inclusive** and universal because it creates places for everyone to use and enjoy, by optimising social opportunity and equitable access.

Durable

Good design is **durable** because it creates buildings and places that are fit-for-purpose, adaptable and long-lasting.

Value

Good design adds **value** by creating desirable places that promote community and local investment, as well as enhancing social and cultural value.

Performance

Good design **performs** well because it realises the project potential for the benefit of all users and the broader community.

Sustainable

Good design is **sustainable** because it is environmentally responsible and supports long-term economic productivity, health and wellbeing.

The Role of Design Review

Pre-lodgement Service

Design Review is an integral part of the voluntary, confidential and free pre-lodgement service offered by the Department of Planning, Transport and Infrastructure (DPTI). The pre-lodgement service is a collaborative process in which proponents and key decision-makers (including statutory referral agencies) work closely to achieve the best possible design, planning and development outcomes.

The pre-lodgement service is available for developments that meet the following criteria:

- Adelaide City - \$10 million or more in value within the City of Adelaide
- Inner Metropolitan Adelaide - Five storeys or more in height within the 'Urban Corridor Zone' as described in the Council Development Plans of:
 - Burnside
 - Norwood Payneham & St Peters (including the 'District Centre Zone' in Norwood)
 - Prospect
 - Unley
 - West Torrens
 - Holdfast Bay (within the 'Glenelg District Centre (Jetty Road) Zone' and 'Residential High Density Zone')

- Port Adelaide Enfield - \$3 million or more in value within the 'Port Adelaide Regional Centre Zone'
- Any project at the discretion of the State Coordinator General.
- While the pre-lodgement service is available at any stage of a proposal's evolution, the greatest benefit is achieved through early engagement with relevant stakeholders.

Statutory Referrals

Design advice is an important part of the planning approvals process in South Australia. Changes to the planning system in 2012 included the introduction of a statutory referral to the Government Architect (Chair) for certain development applications assessed by the State Commission Assessment Panel (SCAP). Design Review and the subsequent recommendations letters inform the referral provided to the SCAP by the Chair. The SCAP places significant weight on this advice in helping to raise the standard of design in the State.

Projects of State Significance

Design Review and guidance is provided to assist the State Coordinator General with projects deemed to be of economic significance to the State. This also applies to proposals declared as a *Major Developments* or *Projects* by the Minister. In both cases, this is non-statutory advice.





The Benefits of Design Review

Design Review encourages high quality developments that help create better places for communities. It can also provide useful guidance on community consultation processes and insights into how a design might impact on community life.

Proponents benefit from access to a panel of built environment experts with multidisciplinary experience. Where an opportunity for innovation exists, individual schemes can also benefit from peer review to ensure an optimum design outcome is achieved.

Design Review supports and instils confidence in decision-makers in delivering high quality, inspiring developments and public spaces that

meet the needs of all stakeholders. It demonstrates how good design can be achieved and where design innovations may appropriately challenge planning parameters.

Design Review can save time, money and effort by identifying issues at an early stage of the design process, reducing the risks and costs associated with planning process delays.

It offers participants and observers opportunities for continued learning, particularly in design quality assessment.

Ultimately, Design Review helps to enrich the design industry with fresh perspectives and advice arising from the professional examination of projects.

A Panel Member's Perspective



Susan Phillips
Architect and
Design Review
Panel Member

The Office of Design & Architecture SA (ODASA) and the role of Government Architect has had a major impact on the urban design quality of Adelaide. The revitalisation of Adelaide's laneways is just one example of the innovative thinking promoted by ODASA and its predecessor, the Integrated Design Commission. This initiative has seen a transformation of the CBD, with new cafes, bars and restaurants revitalising the city, promoting a vibrant night time economy and contributing to Adelaide becoming a highly desirable tourism destination.

Design Review has been another key achievement of ODASA, with increasing influence across metropolitan Adelaide. Initially Design Review was restricted to projects within the City of Adelaide but now covers participating inner rim council areas such as Unley and Norwood Payneham St Peters. Design Review is also contributing to the built outcomes at Tonsley and Port Adelaide.

Design Review was initially viewed with some concern by the development community, the perception being that it may increase the complexity of obtaining Development Plan Consent. Many developers now recognise the value of Design Review in facilitating approvals and enhancing the amenity and urban design quality of proposals, which ultimately contributes to the marketability of their developments.

Developers and their design teams have the benefit of some of Australia's leading architects contributing to their proposals. Design Review has raised expectations of design quality, with tangible benefits for both the occupants of built proposals and the wider public.

Design Review panels typically consist of experienced designers, as well as younger emerging designers, to provide a range of perspectives. The inclusion of interstate panel members prevents an insular assessment of proposals and exposes the local panel members and proponents to lessons learnt from projects around Australia. Design Review has created a culture of professional development for both panel members and proponents, including their design teams.

Principles of Design Review

Design Review is focused on outcomes for people. It explores how a building or place can successfully meet the needs of the people who will use and interact with it. For Design Review to succeed, it must be carried out using a robust and independent process. It must also offer consistently high standards in the quality of its advice.

The Design Review program is guided by a series of overarching principles that form the basis of the panel's discussion:

Independent

Design Review is conducted by people who are not connected with the scheme's promoters and decision-makers, ensuring that no conflicts of interest arise.

Expert

Design Review is carried out by suitably trained design experts who are experienced in delivering constructive feedback. Design Review is most respected when carried out by the professional peers of project designers, because their standing and expertise will be acknowledged.

Multidisciplinary

Design Review combines the perspectives of architects, urban designers, urban and rural planners, landscape architects, engineers and other specialist experts to provide a complete and rounded assessment.

Accountable

The Design Review panel and its advice informing the Chair's recommendations, must be clearly seen to be working in the public's interest.

Transparent

Information about Design Review's remit, panel membership, funding and governance should always be available to the public and accessible on the ODASA website.

Timely

Design Review takes place as early in the design process as possible, to affect positive change during design development and to avoid reworking or regression.

Advisory

The Design Review panel does not make decisions or give direction; it offers impartial advice and recommendations to the Chair.

Objective

Design Review appraises schemes according to reasoned and objective principles, rather than stylistic tastes or subjective opinion.

Accessible

The recommendations arising from Design Review are expressed in terms that design teams, decision-makers and clients can clearly understand and utilise.





Delivering the Principles of Design Review

The Panel

Panel Composition

Design Review panel members are selected from a pool of built environment experts recruited for their skills, expertise and record of achievement in one or more professional fields. The panel is composed to achieve a balanced representation of skills and experience. An average of four panel members attend each Design Review session, with additional panel membership sought by the Chair, based on the scope of a project.

Mix of Skills

As well as architects, landscape architects and urban designers, Design Review also seeks advice from fields such as planning, heritage, education, sustainability and environmental services, universal design, civil and structural engineering and transport.

Reviews that require specific expertise are assigned panel members with relevant skill sets.

Interstate Experience

Design Review benefits from intimate knowledge of the local context however, experience has shown that the wider perspective afforded by interstate built environment experts is also highly valuable.

Diversity

It is vital that the panel represents a diverse range of views and backgrounds.

Terms of Office

New panel members are appointed every three years to maintain a balance of new and experienced members.

Training and Guidance

Prior to joining a panel, all new members attend induction and training sessions covering procedures and frameworks that support the delivery of Design Review. This includes observation of Design Review sessions in progress. Additional training sessions, addressing specific topics, are provided where necessary.

All panel members and professional staff must have an understanding of local planning issues and priorities, commercial viability and government policy.

Continuity

ODASA strives to achieve panel member continuity between each Design Review session, with a minimum of two members retained, for consistency of advice.

To ensure advice is independent, the makeup of panel is not disclosed to the proponent and project team prior to a Design Review session.

The Chair

It is important to have a highly-regarded Chair who can effectively consider a range of views and draw a coherent conclusion from each Design Review session.

The Chair must have:

- A record of professional achievement that supports the delivery of Design Review
- Strong critical and analytical thinking abilities
- Skills to communicate in a respectful manner
- The ability to deal with panel members or clients who express strong or conflicting opinions
- The ability to synthesise and summarise disparate or conflicting views and to summarise the panel discussion in a clear and concise manner.

Conflicts of Interest

A conflict of interest arises if there is any suggestion that a panel member, individually or as a member of a group or organisation, might have a financial, commercial, professional or personal interest in a project, its client or its site.

All interests, real or perceived, are formally managed and recorded in advance of each meeting.

In cases where ODASA determine a panel member conflict, the member will not be permitted to participate in any Design Review session relating to that scheme.

The *Design Review Conflicts of Interest Policy* can be downloaded from the ODASA website.

Special Panels

Special Panels may be convened to support local authorities or other state agencies with significant projects. The advantage of special panels is the capacity to adjust the Design Review process to accommodate the specific requirements of a project. Examples of special panels include master planning projects and reviews of project guidelines for Major Projects.

Delivering Design Review

Design Review works best when a proponent engages in the early conceptual stages of design. Experience has shown that Design Review can assist in identifying aspects of a proposal requiring improvement and the resolution of fundamental issues prior to a proposal being lodged.

The advice given by the Design Review panel and Chair is independent from approval agencies and the interests of a proponent. Advice is given without fear or favour and stands clear and robust.

The Design Review panel reports on the positive aspects of a scheme while remaining objectively critical of areas requiring improvement. The advice is based on professional judgment and the Principles of Good Design.

Design Review is focused on a project's contextual response and resulting impacts on the surrounding landscape

and local community. While aesthetic considerations are relevant, Design Review avoids prejudices of style or taste.

The Design Review environment encourages a thorough understanding and interrogation of a project's brief to ensure the best possible design outcomes have been identified and enabled. Where possible, site visits are arranged prior to a project's first session.

All schemes submitted to Design Review are treated in the strictest of confidence. All attendees, including representatives from local councils and the State Government, are subject to confidentiality agreements.

Following Design Review discussions, proponents are given the opportunity to respond to or clarify any of the points discussed. This dialogue can assist the proponent in understanding the Chair's final recommendations and in progressing positively through Design Review.

The Recommendations Letter

Design Review recommendation letters and related correspondence are directed to the nominated proponent representative and relevant DPTI Planning Officer. Typically, permission must be sought prior to any further distribution, noting exceptions under the *Freedom of Information Act 1991* and the *Public Sector (Data Sharing) Bill 2016*.

The nominated proponent representative will receive the Chair's recommendations within ten (10) working days following the Design Review session. The recommendations letter is not a minute of the panel discussion, rather it expresses the view of the Chair as informed by the Design Review panel's deliberation.

If a recommendations letter is found to contain an error it may be withdrawn, corrected and re-issued. The document will retain its original date however, will be clearly marked and accompanied by a re-issue explanation.

Pre-lodgement Agreements

Section 37AA of the Act allows agreements to be reached between development applicants and referral agencies prior to lodgement. This process eliminates the need for referrals to be undertaken during the formal assessment process, thereby significantly reducing

assessment timelines and potential delays for the development application.

The PLA letter is addressed to the SCAP and includes advisory notes detailing how the project has progressed through Design Review. The PLA letter clearly outlines whether the proposal is supported by the Chair, or whether there are unresolved design issues that may provide grounds for conditions to be placed on any development approval by SCAP.

A PLA includes the stamped, initialled and dated drawings subject to the agreement and must be lodged with the SCAP Development Application within three months of being signed.

Freedom of Information

The *Freedom of Information Act 1991 (FOI Act)* provides the public, media, companies, and Members of Parliament with a legally enforceable right of access (subject to certain restrictions) to documents held by government. Requests for information may come to ODASA at any time. As a condition of their contract, Design Review panel members are not permitted to discuss development proposals or disclose any information received, before or after the review. Should there be any obligation to disclose information under the Act, full records of all projects, procedures and comments are maintained by ODASA.

Additional Design Review Resources

The following documents provide additional information about Design Review.

They can be downloaded from the ODASA website odasa.sa.gov.au.

- Design Review in South Australia
- Principles of Good Design
- Design Review Checklists
- Frequently Asked Questions
- Project Information Form
- Observer Confidentiality Form
- Conflicts of Interest
- Terms of Reference

DPTI Planning Resources

DPTI Pre-lodgement Service

dpti.sa.gov.au/planning/prelodgementservice

SA Planning Portal

saplanningportal.sa.gov.au



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LOCAL DESIGN REVIEW SCHEME FOR SOUTH AUSTRALIA

Engagement Summary Report

March 2021





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



Local Design Review Scheme for South Australia: Engagement Summary Report
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Government of South Australia
Department of Planning,
Transport and Infrastructure



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Transport and Infrastructure

OFFICE FOR
DESIGN+
ARCHITECTURE SA

Covers of the draft Local Design Review Scheme for South Australia and the Consultation Guide

Executive Summary

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

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

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

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

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

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

Strengths of the draft Scheme:

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

Clarification required on:

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

Opportunities for improvement:

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

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

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

I. Introduction

I.1. Context

South Australia's Planning Reform

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

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

Design Review

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

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

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

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

I.2. Purpose of the Local Design Review Scheme

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

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



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



2. Preparing the Local Design Review Scheme

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

2.1. Early collaboration with councils and industry

Between December 2019 and February 2020, the ODASA team met with over 50 staff from 24 councils across the state and representatives from the local divisions of peak industry bodies to understand council and stakeholder needs and expectations in relation to Local Design Review. This early feedback guided the development of the draft Scheme.



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

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

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

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

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

2.2. Draft Local Design Review Scheme

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

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

3. Engagement Approach

The draft Local Design Review Scheme was available for public comment for eight weeks from 26 June to 21 August 2020. The opportunity to provide feedback was open to everyone, with a particular focus on councils and the design, planning and development industries as future users of the Scheme.

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

3.1. YourSAy

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

- yoursay.sa.gov.au/local-design-review-scheme

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

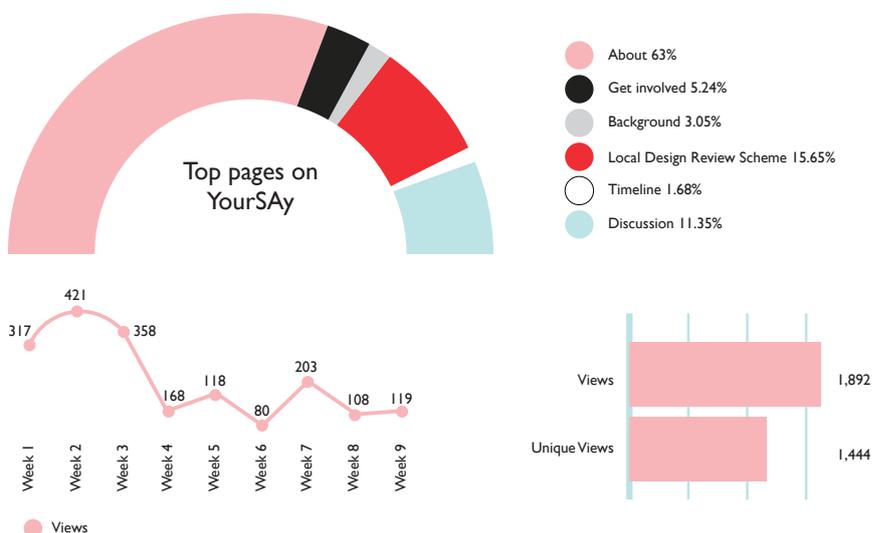
- email: ODASAConsultation@sa.gov.au
- online discussion: yoursay.sa.gov.au/discussions/local-design-review-scheme-for-south-australia
- post: ODASA Consultation, 28 Leigh Street, Adelaide SA 5000

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

The YourSAy website included links to the:

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

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



3.2. Promoting the consultation

3.2.1. Social media campaign

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

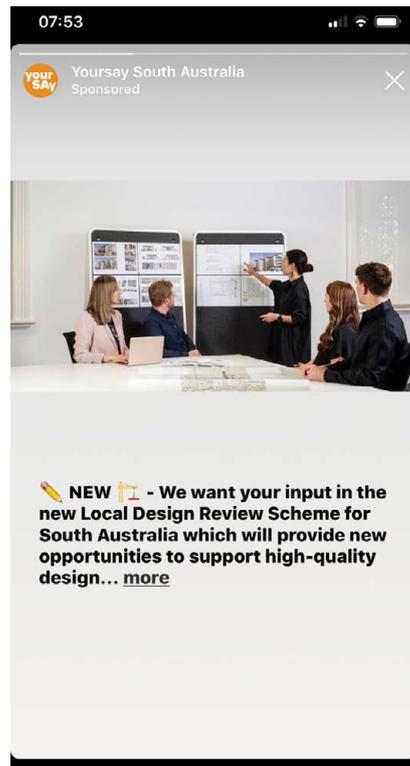
The State Planning Commission’s LinkedIn account was also used to promote the engagement opportunity.



YourSAy Facebook post



State Planning Commission LinkedIn post



YourSAy Instagram post



YourSAy Twitter post

3.2.2. Direct correspondence

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

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

3.2.3. Planning Ahead newsletter

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

An article promoting consultation on the draft Scheme was included in the 30 June 2020 edition: plan.sa.gov.au/news/view_newsletter?newsitem=679938

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



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

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

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

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

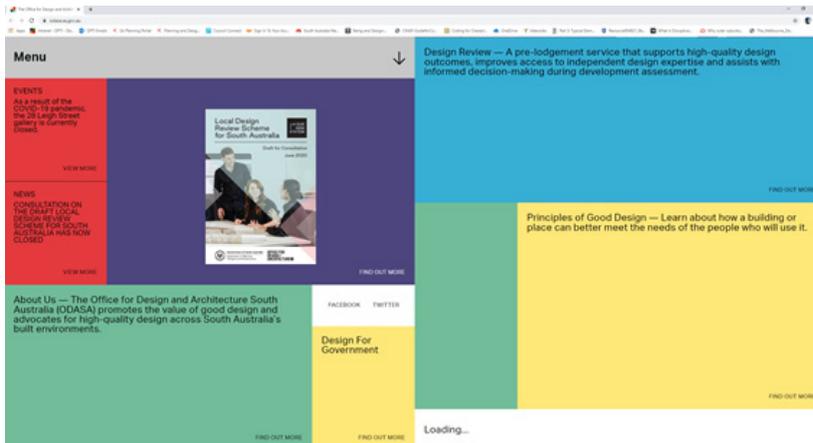
Planning Ahead newsletter article (30 June 2020 edition)

3.2.4. State Government websites

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

ODASA website:

- promotional image on homepage
- news item



ODASA website homepage with Local Design Review Scheme promotional image

PlanSA Portal (previously the SA Planning Portal):

- homepage banner
- news item



PlanSA Portal (previously SA Planning Portal) homepage banner

State Planning Commission website:

- homepage banner
- news item



State Planning Commission website homepage banner

3.2.5. Council Connect

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

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



Government of South Australia
Department of Planning,
Transport and Infrastructure

Posted June 26, 2020

Report post

Hi everyone,

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

The *Planning, Development and Infrastructure Act 2016* enables South Australia's new planning system to place greater emphasis on the design quality of our built environments. One of the ways it will do this is by creating more opportunities to participate in Design Review under a new Local Design Review Scheme.

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

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

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

- **Email:** DPTI.ODASAcconsultation@sa.gov.au
- **Online:** yoursay.sa.gov.au/local-design-review-scheme
- **Post:** ODASA Consultation, 28 Leigh Street, Adelaide SA 5000

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

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

Council Connect post, 26 June 2020

3.2.6. Leigh Street window display

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



28 Leigh Street window banner

3.2.7. Industry newsletters and social media

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

Planning Institute of Australia and SA Young Planners

NEWS FROM DPTI

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

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

If you have a minimum of two days free and would like to get involved, please contact Clare Ashmead at Clare.Ashmead@sa.gov.au

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

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

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

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

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



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

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

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

[Read more](#)

Planning Institute of Australia eNews (9 July 2020)



SA Young Planners
9 July at 22:28

Have you checked out the draft Local Design Review Scheme for South Australia yet? This is your chance to help shape part of our new planning system!

The draft Scheme sets out a consistent approach for the delivery of Local Design Review across South Australia and will support those councils who choose to offer the service. The draft Scheme is designed to support high-quality design outcomes, improve early access to independent design expertise, assist with informed decision-making during development assessment and positively contribute to professional development.

The Office for Design and Architecture South Australia (ODASA) has prepared the draft scheme in collaboration with the State Planning Commission, more than 50 council staff from across the state and representatives from peak industry bodies, including PIA.

A consultation guide has also been prepared to provide background information and is available to download along with the draft scheme from the SA Planning Portal and YourSAy website (links below) . Consultation on the draft scheme is open for the next six weeks and closes on Friday 21 August.

https://www.saplanningportal.sa.gov.au/updates/news_item...
<https://yoursay.sa.gov.au/.../draft-local-design-review-.../about>

YOURSAY.SA.GOV.AU
Draft Local Design Review Scheme
We want your input in the new Local Design Review Scheme for Sout...

SA Young Planners Facebook post (9 July 2020)

Australian Institute of Landscape Architects

INDUSTRY NEWS



Local Design Review Scheme on consultation until 21 August 2020

The Planning, Development and Infrastructure Act 2016 enables South Australia's new planning system to place greater emphasis on the design quality of our built environments. One of the ways it will do this is by creating more opportunities to participate in Design Review under a new Local Design Review Scheme.

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

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

[Read More](#)

Australian Institute of Landscape Architects eNews (8 July 2020)



AILA SA Roundtable - ICAI DESIGN REVIEW

WEDNESDAY 29 JULY
12:30 - 2:00pm

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

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

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

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

3.3. Events

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

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

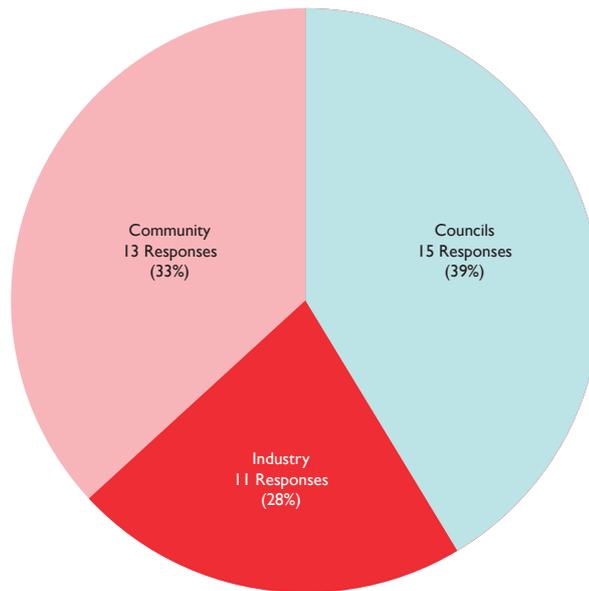
Host	Format	Date	Primary Audience	Registrations
Local Government Association (LGA)	Webinar	30 July 2020	LGA and council staff	40
Planning Institute of Australia (PIA) and Australian Institute of Urban Studies (AIUS)	Webinar	11 August 2020	Planning and urban development professionals	47 (PIA) 13 (AIUS)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

4. Consultation Feedback

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

All submissions are publicly available on the PlanSA Portal: plan.sa.gov.au/development_applications/case_management_services/design_review

39 submissions



4.1. Key themes

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

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

- ODASA website: odasa.sa.gov.au
- PlanSA portal: plan.sa.gov.au

4.1.1. Strengths of the draft Scheme

Intent and purpose of the Scheme

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

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

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

Consistent approach to Local Design Review

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

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

Flexibility and scalability of the Scheme

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

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

Principles of Design Review and the Principles of Good Design

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

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

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

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

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

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

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

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

ODASA's ongoing role

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

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



Image by Sam Noonan

4.1.2. Areas for clarification

Resourcing and financial implications

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

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

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

- Registration fee - section 2.3.3(d) of the draft Scheme

Payable by designated entities to the State Government when they register to participate in the Scheme and upon renewal (three-yearly). The fee will be modelled on ODASA's resourcing requirements to train council staff and panel members.
- Panel member remuneration - section 2.6.1 of the draft Scheme

Payable by councils to their panel members for their time. For example, participation in Design Review sessions and preparing design advice.

This fee would be set through an agreement between each designated entity and their panel members.

Feedback suggested that it may be helpful for ODASA to produce a fee schedule to guide panel member remuneration based on industry rates. In response, ODASA will prepare a guiding fee schedule for councils in collaboration with relevant industry bodies.
- Application fee - section 3.2.2(d) of the draft Scheme

Payable by proponents to councils when applying for Local Design Review.

Despite the provision for charging an application fee in the PDI Act, the majority of respondents recognised that not charging for Design Review is a significant incentive to encourage proponent participation.

The options for councils to charge all, some or none of this fee will be explored and communicated to councils.

Format of the design advice

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

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

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

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

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

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

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

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

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

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

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

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

- Council involvement in specifying eligible classes of development

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

- A consistent approach to specifying eligible classes of development

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

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

- Mandatory Design Review

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

- Linking design advice with Planning and Design Code policy

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

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

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

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

Role of council planners in Local Design Review

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

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

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

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

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

Content of the Local Design Review guidance material

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

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

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

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

Establishing a design panel and its composition

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

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

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

Specific feedback includes:

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

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

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

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

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

Multiple Design Review sessions

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

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

- How many Design Review sessions are recommended?

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

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

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

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

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

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

Design panel indemnity and insurance requirements

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

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

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

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

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

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

4.1.3. Opportunities for improvement

Simplifying the Local Design Review process

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

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

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

Changes made to simplify the Scheme include:

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

Obtaining a design opinion on a lodged development application

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

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

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

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

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

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

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

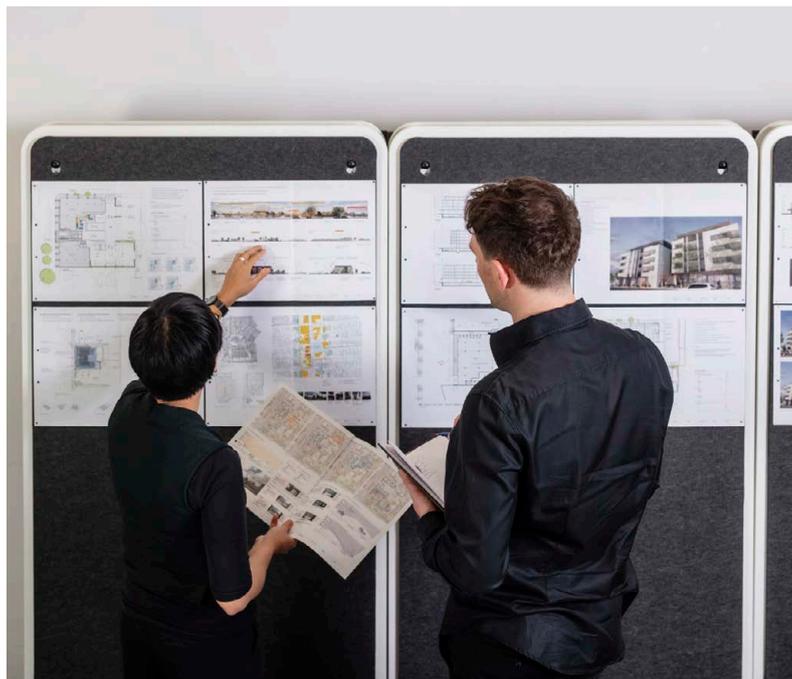


Image by Sam Noonan

5. Refinement and Finalisation

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

5.1. Targeted engagement

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

- Adelaide Hills Council
- Barossa Council
- City of Adelaide
- City of Mitcham
- City of Prospect
- City of Tea Tree Gully
- Mount Barker District Council
- Rural City of Murray Bridge
- Australian Institute of Architects
- Australian Institute of Landscape Architects
- Housing Industry Association
- Local Government Association
- Planning Institute of Australia
- Urban Development Institute of Australia

5.2. Finalisation of the Scheme

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

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

5.3. Commencement

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

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

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

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