PLANNING REFORM ISSUES PAPER: URBAN DESIGN

Prepared for the Local Government Association of South Australia

This paper has been prepared for consultation purposes only and has not been endorsed by the LGA Board

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PLANNING
+ DESIGN

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INTRODUCTION

This paper is written to assist South Australian Councils in their consideration of Planning Reform recommendations.

It provides a succinct summary of the following:

- Urban design in the existing South Australian planning framework
- Key issues
- The benefits and considerations of a number of potential reform options that address these issues. The options are based on a review of best practice approaches.

The Meaning of 'Urban Design' in the context of this paper

'Urban design' is a broad discipline and can be hard to pin down. But in short, urban design can be said to be about:

- Design in an urban context
- A multi-disciplinary approach and scope
- Scales ranging from micro to macro - from the design of buildings and streets, to neighbourhoods, towns and cities
- A process and an outcome
- Making better places.

In Appendix 1 we have summarised some definitions and explanations of urban design from well-regarded sources.

A. HOW IS URBAN DESIGN ADDRESSED IN THE EXISTING PLANNING SYSTEM?

This section is an overview of how urban design is addressed in the existing South Australian planning system. We include in this both statutory and non-statutory activities, with a focus on planning undertaken by Councils.

A.1 Legislative framework

Urban design attracts little attention in planning legislation, although this may be changing. The *Development Act 1993* references 'urban design' only once, in its descriptions of persons whose knowledge may make them suitable to be a member of the Development Assessment Commission.

The *Housing and Urban Development (Administrative Arrangements) (Urban Renewal Authority) Regulations 2012*, which set out the purpose and powers of Renewal SA, include the objective "*to develop and implement policies and strategies that encourage excellence in the design, planning and delivery of housing and urban development*".

The recent *Housing and Urban Development (Administrative Arrangements) (Urban Renewal) Amendment Act 2013* contains implicit reference to urban design principles and practice. It establishes Design Review Panels for the projects to which it applies, and its precinct masterplan requirements include many urban design features.

Other jurisdictions also have limited legislative emphasis on urban design. For example, the *Sustainable Planning Act 2009* (Qld) includes only one reference to 'urban design'.

A.2 How it works in practice (strategic planning/policy)

Despite limited or no legislative compulsion, urban design is used regularly in South Australian planning practice. Common ways in which Councils utilise urban design are listed below.

- Urban design processes and urban design documents are used to formulate planning and urban development proposals and plans (e.g. structure plans for greenfield development areas, urban renewal and redevelopment plans, concept plans for specific sites and precincts).
- Such urban design proposals and processes tackle investigation at all scales, from region to town to suburb, neighbourhood and street and building.
- In most cases urban design investigations are non-statutory, and often incorporate extensive engagement and consultation.
- Urban design investigations and documents frequently underpin Development Plan Amendments, are quoted from and their drawings and illustrations incorporated.

A.3 How it works in practice (development assessment)

Urban design also has a regular role in development assessment.

- Structure Plans (which can incorporate urban design elements) when incorporated into Development Plans form part of the design and assessment process.
- Urban design principles and criteria are used to help draft development plan policy (e.g. principles of development control) which is used to assess applications.

- Urban design practitioners sometimes sit on Development Assessment Panels to assess development applications.
- Urban designers also contribute to development assessment through membership of Design Review Panels.

B. KEY ISSUES

Issues relating to urban design in the SA planning system have been identified. These issues are drawn from earlier LGA planning reform dialogue, and our own experience. 10 key issues have been identified specifically related to urban design. These issues are broadly aligned to three themes.

KNOWLEDGE + SKILLS

1. **Poor and inconsistent understanding of what 'urban design' is**, and the benefits of good design. (Refer to Appendix 1 for a short explanation of 'urban design' drawn from well-regarded sources.)
2. **Lack of skilled and qualified urban design professionals** providing design advice within Councils. This applies equally for the related disciplines of architecture and landscape architecture.
3. **Lack of urban design training** for Council officers – particularly planners and engineers – as well as Council Members and Development Assessment Panel members.
4. Very **limited application of design review processes** by Councils.
5. **Insufficient urban design guidance** available to Councils (e.g. well-designed medium density housing).

URBAN DESIGN + STATUTORY PLANNING SYSTEM

6. **Lack of trained and qualified urban design professionals on Development Assessment Panels.** (A shortages of appropriate experts on DAPs was an issue also identified by the LGA's MLGG Planning Improvement Workshop.)
7. Urban design principles and good practices are found within some (but not all) Development Plans as Provisions of Development Control. Where urban design framework and plans do exist outside of Development Plans, they usually **lack statutory recognition.**
8. **Applications under the *Development Act 1993* only apply to the site of development**, and not to public spaces like streets or parks that may be surrounding the development or affected by the development.

IMPLEMENTING URBAN DESIGN

9. **Costs associated with good practice urban design processes**. (Urban design is a multi-disciplinary approach, often requiring multi-disciplinary teams and processes e.g. collaborative design workshops. Many project budgets do not adequately resource such methods.)
10. **Poor implementation through capital works programmes.** Urban design proposals are often slow to be implemented through Council capital works programmes, and sometimes Council-initiated development and works exhibit poor urban design qualities.

South Australia's Expert Panel on Planning Reform, in their interim report *What We Have Heard* (December 2013), report a number of issues raised by stakeholders and relating to urban design in the SA planning system. By and large these endorse the 10 key issues identified by us.

Some additional comments are of interest and are summarised on the next page.

- *There was concern that the existing legislative framework does not give enough emphasis to design, whether in the public realm, built structures or infrastructure…*
- *There was a concern that design criteria and appraisal may be too subjective for inclusion in the planning legislation.*
- *There is a lack of commitment in the legislative framework for the planning system to integrate place-based urban design.*
- *Public realm and infrastructure standards inadequately reflect universal design principles.*
- *The legislative framework does not recognise or reward innovative design.*

C. BEST PRACTICE PLANNING REFORM OPTIONS FOR URBAN DESIGN

13 good practice ideas for planning reform that are relevant to the role and function of Councils are described in the following table. They are arranged with respect to the three themes from Part B Key Issues.

	Best Practice Planning Reform Options	Benefits	Considerations
	KNOWLEDGE + SKILLS		
1.	**Design Review Panels** Greater use of Design Review Panels by all Councils, including arrangements for smaller and/or regional Councils e.g. Regional Design Advisory Panels	▪ Design is not a solo activity - **collaboration** brings the best results and Design Review Panels are a process demonstrated to draw out better designs ▪ Design Review Panels often **work early in the process** e.g. pre-lodgement. Making changes early in the development process through design is much less costly and has a better chance of acceptance by proponents ▪ Access to **expert advice** – especially good where Councils do not have skills in-house ▪ **Non-statutory** - panels advise but do not decide ▪ **Flexible** (can be used according to need and resources) ▪ Could be combined with short route in assessment process ▪ **Independent** ▪ The SA Office for Design and Architecture's *Guide to Design Review in South Australia* gives further explanation of the value, benefits and characteristics of design review processes.	▪ Design Review Panels save resources and difficulties in the long run, but require resources to operate. ▪ The LGA's position is that costs associated with a design review process should be recoverable from the applicant. Alternative approaches may include cost-sharing, perhaps supported by the State Government. ▪ Requires commitment by all parties (compulsory attendance is not enough) ▪ Review process need to be supported by adequate documentation e.g. site and context analysis prior to review meetings ▪ Requires skilled advisors who may be not available in large numbers.* ▪ Requires/better with consistent process (The SA Office for Design and Architecture's has documented an appropriate process.) ▪ *Limitations on resources and availability of skilled reviewers supports the idea of pooling resources into regional panels, which will also have the benefit of sharing experiences across Council boundaries.
2.	**Training** Urban design training programmes for professionals, Council Members and DAP members	▪ **Tailored** to need of participants e.g. Council Members may benefit from *awareness* of urban design good practice, development assessment officers or DAP members require *understanding*, while	▪ Resources and consistency would best result from state support and regional approach

	Best Practice Planning Reform Options	**Benefits**	**Considerations**
		some professionals and teams may benefit from *expertise* in urban design practice (adapted from UK *Capacity Check* system for urban design training). ▪ Can be operated **regionally or for specific** Councils. ▪ **Involve professional institutes** in training and mentoring.	
3.	**Promotion** Better promotion and communication of urban design objectives, principles, processes and benefits – to industry, Councils and community.	▪ Use existing information – no need to reinvent. ▪ Communicate information widely to build culture of good design. ▪ Use more engaging methods – like fact finding tours, seminars and events – for best results and to break through misconceptions.	▪ Resources and consistency would best result from State Government support and regional approach
4.	**Urban designers in Councils** Encourage appointment of trained and qualified urban designers in Councils.	▪ In-house advice is best for local knowledge. ▪ Easy availability of advice ▪ Knowledge transfers within organisations. ▪ Build relationships with stakeholders within and external to Councils e.g. developers.	▪ Resources ▪ Shortage of skilled and qualified urban designers.
	URBAN DESIGN + STATUTORY PLANNING SYSTEM		
5.	**Legislate for urban design** Change the objects of the Development Act and Regulations to include good design. Require consideration of good urban design as part of planning and infrastructure considerations in strategic planning processes such as Strategic Directions Reports.	▪ **High level recognition** only. 'How to' achieve good design explained in guidance materials. ▪ Opportunity to **recognise design processes** such as workshop/charettes and multi-disciplinary nature of urban design and design teams.	▪ Urban design guidance often challenges long held approaches – such as traffic engineering paradigms.
6.	**Include urban design in policy and plans**	▪ **Elevates urban design policy** by including urban design in all Development Plans and other	▪ Policy plays a role but is inadequate in itself in achieving design excellence.

	Best Practice Planning Reform Options	Benefits	Considerations
	Make it compulsory to investigate and include urban design outcomes into Development Plans and other plans and planning policies. Provide statutory recognition of structure plans, urban design frameworks, open space strategies, master plans and other similar planning documents (from *What We Have Heard* report). For example, Development Plans could include reference to an urban design document much like it refers to the Australian Standards or the Minister's Code for Bushfire Protection Areas.	plans.	
7.	**Include public realm in development 'sites' and assessment** Legislate so that public realm surrounding a site can be considered in development assessment and enable developer contributions (or similar) to be negotiated for public realm works.	▪ Includes **all development impacts** and benefits beyond a site boundary, reflecting reality of development. ▪ Opportunities for **collaboration** and cost sharing for greater benefit. ▪ Leads to public realm (e.g. footpath and street tree) improvements from development over time.	▪ Requires clear and consistent public realm standards to be developed by Councils.
8.	**Shorten DPA process** Where urban design frameworks and master plans exist to inform Development Plan Amendments, and where there has already been substantial consultation and research on the matters addressed in the frameworks/masterplans, the Development Plan Amendment process should be shorter.	▪ Saves time and money.	▪ Requires thorough process at masterplan stage
9.	**Form based codes** "Form-based codes use physical form, rather than separation of land uses, as their organizing principle. They foster predictable results in the built environment and a high quality public realm" (Form Based Codes Institute)	▪ This emphasis on form provides more **certainty** to developers, planners and communities about what new development will look like and how it will function. ▪ In turn, this certainty can allow assessment regimes to be **streamlined**, as the impacts of development are known from	▪ Suits repetitive, high volume development (such as housing). An alternative assessment track must be allowed for innovative design solutions. ▪ Investment in creating new form based codes.

	Best Practice Planning Reform Options	**Benefits**	**Considerations**
	A code is a set of 'rules' used in plans to govern development, and often deal with aspects like building height, setbacks, car parking rates, street widths and open space provisions. Form-based codes are a new type of code. They place an increased emphasis on the physical form of buildings and infrastructure, and use graphics to clearly illustrate the required form of new development, such as new buildings, streets or parks.	the start. ■ For this arrangement to work effectively, form-based codes tend to be more prescriptive in nature.	
10.	**Design briefs for major sites** Allows Councils and/or landowners to explore site parameters earl and to agree about expectations and requirements. This allows early embedding of urban design principles during pre-lodgement discussions.	■ Proactive. ■ Undertaken early in process before substantial investments.	■ Additional process
	IMPLEMENTING URBAN DESIGN		
11.	**Guide Demonstrate Promote** Encourage innovative design through pilot programs and incentive schemes, awards, and champions.	■ A picture is worth a thousand words and a good example ten thousand more. ■ Urban design champions for a Council area can provide leadership and a voice for good design, at arm's length from the political process. ■ Awards bring recognition to successful designs.	■ Resources
12.	**Adequately resource multi-disciplinary teams** Urban design is collaborative and must be resourced adequately.	■ **Investment up front can save later** and contribute to wider policy objectives e.g. attracting tourism and investment, improved public health.	■ Resources ■ State support for Councils to resource urban design studies would be highly beneficial.
13.	**Council leadership** Councils set an example and practice good urban design in their planning and in projects they build.	■ 'Do what I do', rather than 'do what I say' – always a more effective way to improve practices.	■ Requires culture change and implementation of actions listed above relating to knowledge. and skills, and statutory plannng.

D. APPENDIX

D.1 APPENDIX 1 – WHAT DO WE MEAN BY 'URBAN DESIGN'?

Australian Urban Design Protocol
In 2011 the Australian Government published the *Australian Urban Design Protocol*. This document forms an important reference for Local and State Governments and others involved in creating urban design policy and practicing urban design. The protocol describes good urban design as follows.

> *Urban design is concerned with the arrangement, appearance and function of our suburbs, towns and cities. It is both a process and an outcome of creating localities in which people live, engage with each other, and the physical place around them.*
>
> *Urban design involves many different disciplines including planning, development, architecture, landscape architecture, engineering, law and finance.*
>
> *Urban design operates from the macro scale of the urban structure … to the micro scale of street furniture and lighting. When fully integrated into policy and planning systems, urban design can inform land use planning, infrastructure, built form and even the socio-demographic mix of a place…*

SA Government Architect's Principles of Good Design
The *Guide to Design Review in South Australia* includes the SA Government Architect's Principles of Good Design:

- *Good Design is **contextual** because it produces developments that respond to their surroundings. Good design responds to adjacent built and natural elements negotiating the interface between development and public realm, and contributes to the quality and character of a place*
- *Good Design is **durable** because it creates buildings and spaces that are fit for purpose, adaptable and long lasting. A durable new building should be designed in a way that carefully considers the existing development around it and also promotes the desired future character of the area*
- *Good Design is **inclusive** because it creates places for everyone to use and enjoy, which promotes community cohesion. New buildings that integrate landscape design can optimise useability, privacy, social opportunity, equitable access and respect for neighbours' amenity. Development that provides quality public spaces that cater for desired recreational uses, will help to optimise safety and security both internally to the development and to the public realm*
- *Good Design is **sustainable** because it produces buildings that meet the highest environmental imperatives and minimizes embodied energy. New buildings should contribute to social sustainability by developing appropriate densities. Integrating sustainable systems in new buildings and surrounding landscape design will help improve quality and amenity for occupants*
- *Good Design **adds value** because it creates desirable places that promote local investment. New buildings that respond to the needs of the local community and promote social diversity encourage desired future communities*
- *Good Design **performs well** because it delivers on the objectives of the client's brief to the benefit of all its users. A new building that performs well promotes the well-being of its occupants and enables people to live and work comfortably. New buildings with*

successfully integrated and sustainable systems support precincts to operate effectively and efficiently.

Urban Design Policy and Practice in the Toowoomba Region

In 2013 the author described urban design in the following way for a Council policy and guideline on the subject. (From *Toowoomba Region Urban Design Initiative: Urban Design Policy and Practice in the Toowoomba Region.*

Urban design can be hard to describe, but fundamentally urban design is about making better places. Features of urban design are:

- *Urban design is collaborative and is sometimes described as the 'daisy' (Figure 1) linking the many people and specialists working in and influencing the built environment.*
- *Urban design is about places that provide a lasting legacy in our towns and cities. What will our grandchildren and great grandchildren think about what we build today?*
- *Urban design has an economic dividend. The cities and towns that value urban design are usually the ones that people want to go to, want to live and work in. Urban design can help bring people and people bring investment.*
- *Context is important to urban design. We take clues from what's around us and what's happened before, including our built heritage and our environment.*
- *Urban design can be used for all scales, from regional scale planning, to cities, neighbourhoods, streets, lots and even buildings.*
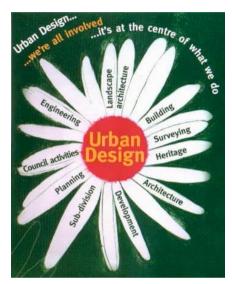- *Urban design is used in developing residential areas, but there's a lot more to it than that. Urban design has much to offer to the centres of our towns and suburbs.*
- *Some people mistake urban design for the frilly bits stuck onto the side of overpasses and retaining walls. That's not urban design. If it's done right, urban design skills and processes can help make long lasting places and infrastructure that are easy to use and maintain.*
- *Urban design can leverage investment in buildings and infrastructure to make quality places at the same time.*

Figure 1 - urban design integrates (Gold Coast City Council)

One of urban design's advocates, the Danish architect Jan Gehl, is reputed to have said*: 'a good city is like a good party, you stay much longer than you planned'.* Urban design is about making the best places, the best streets, best suburbs, towns, and the best cities.

In summary, urban design is a broad discipline and can be hard to pin down. But in almost all cases urban design can be said to be about:

- Design in an urban context
  Multi-disciplinary approach and scope
- Scales ranging from micro to macro - from the design of buildings and streets, to neighbourhoods, towns and cities
- A process and an outcome
- Making better places.

D.2   APPENDIX 2 – FORM-BASED CODES

In 2011 the South East Queensland Council of Mayors and Queensland Government produced a guideline for residential development and planning titled *Next Generation Planning*. NGP promotes form-based codes as one way to improve development assessment process and housing and urban design quality. The following explanation and example are drawn from this document.

> *A code is a set of 'rules' used in planning schemes and their regulating documents to govern development. They … deal with aspects like building height, setbacks, car parking rates, street widths and open space provisions.*
>
> *Form-based codes are a new type of code. They place an increased emphasis on the physical form of buildings and infrastructure, and use graphics to clearly illustrate the required form of new development, such as new buildings, streets or parks.*
>
> *This emphasis on form provides more certainty to planners and communities about what new development will look like and how it will function. In turn, this certainty can allow assessment regimes to be streamlined, as the impacts of development are known from the start. For this arrangement to work, form- based codes tend to be more prescriptive in nature.*
>
> *The planning scheme modules in this handbook promote a more Form-based approach to codes; designed to create consistency and certainty, to simplify and deregulate housing approval processes, and to promote affordable living and great places.*
> *(Next Generation Planning)*

Figure 2 – Example of a Form-Based Code Regulating Row House Development (Source: Next Generation Planning)

Site planning and building massing	
Site cover	70% maximum
Private open space (minimum)	Area of 30m² with 4m dimension (per dwelling) at rear of dwelling
Setbacks	(all minimum to wall unless stated)
Front setback	
- To verandah	1m
- To house wall	3m
Rear setback (to lane)	1m ground storey 0.5m upper storeys
Side setback	1m
Building height	1, 2 or 3 storeys 8.5m maximum or 10m maximum on slopes >15%
Parking	1 or 2 covered spaces per dwelling from Rear lane
Streetscape	
Front entry	Dedicated pedestrian entry and door for each dwelling, visible and accessible from the street
Street surveillance	Minimum 1 habitable room per dwelling overlooks the street
Fencing (streetfront)	1.2m height
Fencing (other)	1.2-1.8m height 50% transparency over 1.2m
Verandahs	100% building frontage
Planting	Minimum 1x2m planted area per dwelling, between front boundary and dwelling
Slope	Elevated or split-level construction. External retaining maximum 1m height

Legend:
- Developable Area
- Verandah
- Deep Planting/Landscaping
- Vehicle/Parking