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Sent:	Monday, 25 February 2019 11:47 AM
To:	DPTI:Planning Engagement
Subject:	Comments - Development Assessment Regulations and Practice Directions
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Hi there

Please find my comments below.

This is not intended to be a comprehensive response to all matters and instead reflects my personal position and areas of primary concern. Separately, I have been involved in providing a collective Council response and these should be well considered as they have been drawn together collaboratively among various planning and building staff.

Future employment setting

The intended professionalization of the industry is to be applauded and will hopefully ensure an appropriate and consistent level of service to the public along with greater accountability. However, I am concerned that the future industry will move towards a more 'check box' approach, which (further to the comments below) is likely to be couched within a more adversarial and compliance driven setting.   I hope the new system continues to allow for a case managed approach to development assessment to ensure beneficial outcomes for all.

An adversarial system

The proposed system appears to be inherently adversarial in nature. Being timeline driven and with the likes of 'deemed to satisfy' inclusions it is likely to create points of conflict. I am concerned it will 'force' the hand of the relevant authority to issue a refusal or adopt an overly pedantic approach to assessment. This is contrary to my current position where a cooperative, case managed approach is adopted while still delivering quick turnaround times for the developer. While I understand that not all Council's adopt such an approach – the current system does allow for this. The new system may remove this opportunity and be replaced with an applicant 'push' for their desired outcome through more negative channels.

Benefit to community

I also question the overall benefit to the community. More choice (planners, building surveyors, land surveyors etc.) does not mean a better outcome. The community understands the current model which is largely a 'one stop shop' where Council generally manage community concerns and this will be muddied by having more players in the process. The outcomes of this are unlikely to be fully understood by the community and the problems inherent in this are evident via the current ResCode process. For example, Councils are often largely removed from the decision making process but are left to pick up community concerns such as on boundary development, retaining wall impacts, overlooking etc.

Similarly, who will police the decisions? Not only the validity of the decisions (are they made by correct level of accredited professional), but the physical outcomes of built form, land use and their associated impacts. Who will have responsibility and ownership for this? – this may will be muddied by the number of potential players involved in a determination.

It is also likely the public notification process and separation of 'elements' of development will result in greater community confusion. The ability to only be able comment on certain aspects of a proposal is likely to result in

misunderstanding. In any event, the entire context of a development should be considered with any assessment and trying to isolate discrete elements may fail to account for the overall impact of a development. I also note there are likely to be significant logistical questions posed by the placement of public notification signage (by who, who pays, who policies, how visible is the signage etc.).

I also provide the following more specific comments:

- The process and legal determination for 'lodgement' and 'receipt' of an application needs to be clear. If a Council receives an application hard copy – who pays for processing, when does the clock start – and more broadly - how user friendly will the portal be for upload and management of applications, plans etc. The current EDALA system it is not the most intuitive system to make use of.
- With regards to regulated and significant trees:
    o why are Willow Myrtles still included – I have yet to come across a significantly notable Willow Myrtle – surely these should be replaced with more impressive species such as Corymbia or large fig tree species which have greater amenity impacts.
    o Regulated and significant council street trees should be exempted from the need for public notification when being replanted as part of strategic replanting scheme (e.g. streetscape renewal)
    o Offset replacement planting contributions should be much higher. The financial cost to replant and maintain a tree is much higher than the current tree fund contribution provides for. Financial contributions should go straight to Council to allow for direct and relevant replanting – rather than to a communal fund.
- While it will likely reduce complaints to Council, I am not certain that exempting combined retaining walls and fencing to 3.1m is likely to be well received by the community. Such work often supports infill development and there can be significant visual and drainage impacts associated with such activity. As a Council, we receive regular complaints regarding the visual impact of such retaining/fencing – especially when it is over a reasonable distance. We have found that there are instances where filling and retaining associated with infill development can be reduced to limit the impact on neighbouring properties – however, this usually requires negotiation with a developer – this option is likely to be removed.
- Where SCAP are the assessing authority – Council should be able to comment on local planning issues – not just infrastructure related etc. The local Council has the local knowledge and understanding which will be of importance to the local community. The timeframe to provide a response is also very tight (15 days) and may not allow sufficient time for relevant internal consultation.
- Will the new system actually be streamlined? It appears that it may result in the need for more applications to be heard by Council Assessment Panels – this will result in additional timeframes, cost etc. Panels may take a more conservative approach to development compared to council decisions under delegated authority.
- The delegation process for CAP's need to be clear – what if all CAP's adopt different processes – overall consistency will then be lost.
- Expiation fees for 'development' related offences should be significantly increased which will act as a greater deterrent, rather than Council having to rely on more costly and protracted enforcement proceedings.
- A 'minor' variation needs to be clearly explained – the current ResCode process has been confusing and is open to significantly different levels of interpretation.
- New restrictive timeframes for assessment may be problematic. Not all applications follow a neat process and there are often issues that need to be resolved before next steps can be taken. For example, important agency referrals undertaken before requests for additional information or public notification occur.

Thanks

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