



29 January 2023

Mr John Stimson
Presiding Member
Expert Panel
Planning System Implementation Review
c/o - DTI.PlanningReview@sa.gov.au

Dear Mr Stimson

Barunga West Council is one of several rural councils that transferred to the new planning system during the Phase 2 rollout in 2020. The Barunga West Council has embraced the new system as being a positive move in accelerating the assessment of development applications in order to stimulate the economy.

In the early stages of the rollout the new electronic system created additional works for many rural councils, including the Barunga West Council. Stage 3 of the rollout for Regional and Metropolitan Councils came into effect in 19 March 2021, which further increased the demand for additional Planning Officers, especially in the Metropolitan Councils. This increase in workload and the demand for additional Planning Officers in the Metropolitan Council saw many of the rural council Planning Officers gravitate to the Metropolitan Councils through enticements and promotions, thus leaving some rural councils without a full-time planner, Barunga West Council being one of those councils.

After vigorous attempts failed in finding a permanent Planning Officer we opted for a new regime. The Barunga West Council employed through contractual arrangements two experienced planning consultants who each work one day a week for the Council, with input and support from the Assessment Manager. The Barunga West Council is pleased to advise that the current regime which has been in place for the past 12 months is assessing applications in the same timeframe as when the Council had a full time planner. The Table below also demonstrates that whilst the Barunga West Council was also faced with increased workloads and no permanent planner the Council still embraced the new system and found a solution that works.

Development Average Timeframes for the Year Ending 2022

Planning Consents	
Deemed to Satisfy (5 Days)	2.69 days
Performance Assessed (No public notification or Referrals (20 days)	15.64 days
Performance Assessed (No public notification but with Referrals (50 days)	29.00 days
Performance Assessed (Public notification with no Referrals (70 days)	53.00 days
Performance Assessed (Public notification with Referrals (60 - 70 days)	54.00 days
Building Rules Consent	
Building Consent Timeframes (20 or 30 days)	22.05 days
Development Approvals	
Development Approval Timeframes (5 days)	3.16 days

Having embraced the new planning system our assessment team have identified the following issues, as detailed below, that we believe should be amended to make the system more efficient and more user friendly:

Building Rules Consent – Staging:

It would be beneficial if Building Rules Consent staging could be inserted after the lodgement period (at the Building Rules Consent stage). The system currently does not allow applicants to seek staging at the Building Rules Consent stage unless it is indicated at the initial lodgement period as which time the applicants may not have thought of staging their development.

This change would not only further enhance the system, but also remove a degree of frustration currently being experienced by both the assessor and the applicant.

Multiple Access Codes:

Many users of the portal have multiple access codes. For example – Council’s regularly seek assistance from external consultants or share resourcing with other Council staff – resulting in individuals using



various usernames on the online system. The system currently doesn't allow users to quickly move between different Council logins.

Instead, a user must logout of one account and login again into a different account. Given this requires the use of the 'Authenticator' each time, the ability to switch between logins would be useful.

Report Generation:

The Barunga West Council have chosen to use the Assessment Reporting system generated by the PLAN SA portal for assessment reports associated with development proposals where required.

It would however be useful and streamline the process even further of the version of the Planning & Design Code was pre-populated into the report at the time of generating the report. This would further enhance the current system and save time for the assessor in searching for the P&D Code version for each individual report.

Report Generation – Edit Function:

It is a common occurrence that once Reports are generated, that the 'edit' function does not work. Although the report can be downloaded, information entered and uploaded as a separate document, it results in numerous unwanted documents associated with the application. We are seeking support for the 'bugs' in the system that generate the unnecessary documents be resolved to illuminate this issue.

Public Consultation Process:

Should an application proceed to public consultation but not receive any representations, the 'clock' will remove the additional timeframes initially placed on the overall timeframe. In circumstances where the relevant authority has sought further information or internal referrals prior to commencing the consultation period, it can result in the clock defaulting to zero. This places a higher risk of the 'deemed to comply' option being actioned, irrespective of the assessing Planning Officer's intent to finalise within the prescribed timeframe.

We are seeking support from the Expert Panel to provide additional time that would enable the assessing Planning Officer sufficient time to project manage this application.

The Barunga West Council have also experienced applications that have been placed on public consultation and representations have been received who also wish to be heard by the CAP Panel – The CAP is the relevant authority. Through consultation with the representors, we have found on occasions that the representor has withdrawn their representation, thus converting the relevant authority to the

Assessment Manager. However, the impact of good planning practices has resulted in 20 days being deducted off the clock and the time clock enters the red phase. The system needs to be amended so that in the case of representors withdrawing their representation the time clock does not default to being in the red (i.e. run out of time to finalise the assessment).

Applications placed on Hold.

Should an application be placed on hold, the 'system' essentially stops. Limited actions are able to be undertaken at this stage, unless 'hold' is removed. It would be preferable if the Relevant Authority could continue to undertake its assessment process, undertake internal referrals (or other measures), to ensure that once the application is taken off hold by the applicant the overall timeframes are improved.

Provisions of Infrastructure at Fisherman Bay

The Barunga West Council is undertaking significant infrastructure upgrades to bring Fisherman Bay up to current environmental and infrastructure standards. This large scale land division to freehold allotments is also in its final stages, ensuring over 400 allotments being transferred to current long term lease holders. Council is attempting to work with the local community and be proactive to enable landowners the opportunity to lodge applications for new dwellings. Enabling the completion of the building of dwellings to align with the timing of infrastructure connection.

These applications meet the intent of the Planning & Design Code provisions, recognising that the infrastructure is being managed by Council and currently under construction. This is a unique circumstance where waste water infrastructure will be provided (in due time) – however many of the dwellings may be finalised prior to each site's connection to the community waste water system.

It is recognised that the Certificate of Occupancy process will ensure that dwellings cannot be occupied prior to connecting to the community waste water system. It is however difficult to convey the message to members of the community that the Planning System cannot adequately manage this process.

Local Policy:

This issue specifically relates to the freeholding of Fisherman Bay and the installation of environmental and infrastructure services. Fisherman Bay land division is unique in that the infrastructure (shacks) already exist and that land division is the mechanism to create individual allotments on which the built form will be entirely contained.

Historical Information:

Fisherman Bay was first established in the 1920's when a number of local fisherman commenced constructing shacks and other structures on private farmland. In 1974 the landowner indicated his intent to sell and the single parcel of land was purchased (a single freehold title) by a group of 10 families who owned shacks at Fisherman Bay. These families formed a partnership for the investment and established Fisherman Bay Management Pty Ltd (FBM) to look after their interests and to run the settlement. Over the last 46 years there have been several changes to the make-up of the partnership, with some partners selling and other membership changing hands via inheritance.

Shack owners who have constructed shacks or other structures on the land visit the facilities regularly themselves as well as providing a holiday destination for other relatives and visitors for personal enjoyment. The only income that was initially generated by FBM was through the Licence Agreements issued to each of the shack owners, where the license fee was collected in advance.

The existing leased shack sites vary from well-established accommodation to basic accommodation on varying sized allotments.

In October 2017, DAC approved the application, subject to the following conditions:

- Construction of a seawall*
- Construction of an effluent, treatment and collection system;*
- Construction of roadworks and associated stormwater management system;*
- Fire certification of all allotments.*

The last two (2) years has culminated in the finalisation of documentation and appropriate contracts to allow the freeholding of allotments at Fisherman's Bay. As indicated the freehold allotments vary in size with a considerable number of the allotments in the vicinity of 250 to 320m² with an irregular development pattern. The majority of the allotments have some degree of built form where many of the allotment owners indicating that they are prepared to rebuild when all of the existing services such as power line relocation, stormwater management and wastewater disposal system has been completed to adequately services the newly created freehold allotments.

The Barunga West Council is committing significant financial investment (power line relocation, stormwater management and waste water disposal system) that is based on the current allotment numbers, sizes and configurations. Additional allotments, via way of performance assessed land divisions, will significantly constrain the infrastructure roll out and place additional strain on this sensitive coastal area.



As the Planning and Design Code lacks adequate planning provisions for areas such a unique development such as Fisherman Bay the Barunga West Council seeks support from the Expert Panel to allow the insertion of local policy controls for this unique development so that the construction of dwellings and other built form in the future can be better controlled.

The Barunga West Council seeks the support of the Expert Panel to consider the appropriate actions to address the issues that have been raised in this submission.

Yours sincerely,

Maree Wauchope
CHIEF EXECUTIVE OFFICER