
**SUBMISSION FROM THE
DISTRICT COUNCIL OF GRANT
TO THE
EXPERT PANEL – PLANNING SYSTEM IMPLEMENTATION REVIEW**

The District Council of Grant acknowledges the establishment and work of the State Government's Expert Panel on the Planning System Implementation Review.

Council is pleased to provide this Submission to the Expert Panel.

Council generally endorses those issues which have been identified by the Local Government Association of South Australia (LGA), particularly in its Submission dated October 2022.

Some of the key issues identified by the LGA in its Submission include the following:

- The Planning System
 - The new planning system has affected local decision making and may not promote the interest of communities to ensure transparent planning activities.
 - Planning decisions affecting our Council area should be made locally.
- Funding the new Planning System
 - Cost of the ePlanning system and Portal has inequitably been shifted to Council/s.
 - System is costing Council/s more, with additional costs needing to be funded through Council rates.
 - A more equitable system would enable Council/s to cost recover from the Applicant the cost of implementing the planning system.
 - ePlanning levy should be repealed.
- Education/Resources
 - Planning and Building Staff shortages across the State have affected the ability for local Councils to staff their departments with qualified staff.
 - There is currently an absence of university pathways for planning staff to undertake appropriate study.
- Developer Contributions
 - Infill development puts pressure on existing infrastructure (i.e., CWMS, etc).
 - This needs to be addressed in the PDI Act accordingly.
- Principles of Good Design
 - Planning decisions should be made in consideration of good design principles and in the best interests of the local community.
 - Further consideration of good design within the Planning and Design Code for all forms of development is required.

- PDI Act and Regulations
 - Private Certifiers powers of authorisation should be reviewed and/or greater control given to what they can consider 'minor variations' (S106.2 Reg 54(1)).
 - Deemed Consents – timeframe should be reviewed and/or repealed (S 125).
 - More flexible timeframes for complex applications that are not subject to public notification (Reg 125).
 - Deemed to Satisfy development applications (5 days) always move ahead of Performance Assessed development applications (20 days), with the consequence that most Performance Assessed development is not likely to be assessed faster than 20 days (in most cases).
 - Public Notification – should be reviewed as target.

In addition, the District Council of Grant wishes to raise the following specific issues and challenges associated with the implementation of the new planning system.

ePlanning Portal

1. Paperless system is a positive.
2. Unfortunately, less efficient than previous system of assessment, and has not delivered the efficiencies anticipated due to the additional steps required.
3. Fees and Charges for Applicants is higher than the previous planning system.
4. The lodgement fee (previously retained by Councils) is now retained by the State Government and has increased from \$80 to \$184 (and increased each year).
5. Council is paying an ePlanning levy to use the system; and the LGA has advised that 98% of Councils have identified that costs are higher to their Councils under the new system – which includes the District Council of Grant.
6. Increased timeframes for verifying, assessing and determining Development Applications, and therefore legislated timeframes can be difficult to meet.
7. For example, many Development Applications take more time to complete under the new system due to the following steps:
 - Request for mandatory documentation (if the Applicant has not provided mandatory plans/documents for assessment).
 - Verification (confirming the documentation and determining the assessment pathway).
 - Request for Information (if additional information is required for the detailed planning assessment).
 - Planning Assessment; and,
 - Granting Development Plan Consent.
8. Timeframes are affected by resources, general public enquiries, staff leave, other duties, etc.
9. The Portal is available 24/7 excepting for maintenance, so therefore Applicants can be submitting Development Applications while staff are outside of their working hours – whereas previously Development Applications could only be lodged during Council Office hours/5 days per week. This can place constant work pressure on Council Staff in both their work and personal time (i.e., health and wellbeing issues, etc).
10. Deemed to Satisfy applications (5 days to assess) keep 'jumping the queue' over Performance Assessed applications (20 days to assess) and Land Divisions (60 days to assess) due to the higher number of Development Applications in this category now.
11. The constant daily 'time clock' in dealing with Development Applications has increased work pressure on Council Staff, and now largely made Development Applications the focus/priority of planning/development Staff – particularly in smaller/district/rural type Councils.
12. The Portal will not allow planning assessment or building assessment to begin until fees are paid. If you are going on leave, you cannot work ahead.
13. The Portal is restrictive for any changes to Development Applications, and generally an application would need to be withdrawn and resubmitted since Council Staff cannot make simple changes, such as:

- Stage a Development Application
Note: Staging a development after planning consent is a significant issue, and if the application is withdrawn and resubmitted, planning assessment must be undertaken again.
 - Change an element of a development.
 - Change an address.
 - Change a Development Cost.
 - Add additional documents; and,
 - Add other minor changes.
14. Some Development Applications have 'errors' come up and cannot be accessed for days while PlanSA resolves the problem, as it cannot be fixed 'in house'.
 15. Council's Planning and Development staff spend a lot of time assisting Applicants, Builders, Real Estate Agents, and potential purchasers with the use of the Portal as they do not find it easy to navigate, and interpreting the Planning and Design Code, and adding information to the Portal provided off the Portal. This results in reduced customer service outcomes.
 16. Enhancements to the ePlanning Portal are made every other day, so it is challenging to keep up with these.
 17. Some of the enhancements are a 'quick fix' and not a 'long term' solution.
 18. Reporting Systems are not easy to navigate compared to previous systems and are sometimes inaccurate.
 19. Records Management is not all encompassed in this system, with many Applicants preferring to email Council with information rather than adding it to the Portal.
 20. Council Staff without access to the Portal cannot source these records, and if you don't regularly use a 'Log In' it becomes inactive or is deleted by PlanSA, so infrequent use is difficult.
 21. Applicants do not understand the verification process and still miss paying fees to formally lodge their application.
 22. Onsite Wastewater Systems are not included/catered for within the ePlanning Portal leading to much confusion with Builders/Applicants regarding their lodgement and approval process.
 23. Many accredited professionals are leaving Planning and Building roles due to the new Planning System, caused by such things as accreditation requirements and insurances. Accreditation requirements need to better recognise years of planning and building experience, the age of planning and building professionals (and associated experience), and somehow better acknowledge that many planning and building professionals often move into management positions, and often manage significant multi-disciplinary teams.
 24. Planners who wish to further their study have no appropriate study courses available.
Note: A few Planners in the Limestone Coast are considering further study but cannot find suitable study options akin to the previous 'Diploma' or pre-University courses and are investigating a 'made to order' course with educational institutions.

Planning and Design Code

1. There are inconsistencies from Council to Council, and between professional people, with varying interpretations of the Planning and Design Code (P&D Code).
2. Each Code Amendment results in an updated P&D Code, which can be challenging and time consuming for Council Officers (and the public) to keep up to date with, and which can result in changes to the Code which may alter previous advice provided through public enquiries. Opportunities should be explored as to better managing and simplifying all updates and any changes to each (dated) version of the P&D Code into the future.
3. Some of the provisions of the planning policy are impractical in physical situations (i.e., planning policy requires 50,000 litres water supply if reticulated water is unavailable, and a further 5,000 litres dedicated water supply for bushfire fighting purposes, etc). Standard tank sizes are 5,000 gallons (22,500 litres) which equates to 45,000 litres. The question around this has been asked of Plan SA but to date no change has been made to the P&D Code, or any response.

4. Character Statements, Concept Plans, and Overlays have all been omitted from the P&D Code. Many of these were developed over time by Councils, often in consultation with their communities, and followed by the endorsement of previous State Governments.
5. Some inconsistencies were made in the transition of previous Zones from the Development Plan into the new P&D Code, some of which has resulted in changes as to how land is now being developed (i.e., previous Residential Zone – Mount Percy Golf Course Policy Area 9, changed to a Neighbourhood Zone; removal of the Restricted Development Policy Area 13 adjoining the Port MacDonnell township; etc).
6. Confusion and different processes for landowners/developers wishing to submit a Code Amendment (i.e., Council has been advised that the Minister for Planning will ‘refuse’ any Rural Living Code Amendments, and that landowners/developers should not lodge their own Proponent Code Amendment but rather work with Council through the respective Regional Plans, etc).
7. Performance Assessed Pathways – if an application does not fit into Accepted, Deemed to Satisfy, or Restricted, it defaults to Performance Assessed.
 - o This can lead to new land uses without specific policy meaning that literally hundreds of pages of policy must be considered for an application that does not fit neatly into an envisaged land use and intensity (i.e., Tourist Accommodation in zones where it is not specifically a land use, such as the Neighbourhood Zone in Port MacDonnell, etc).
8. Deemed Consent – needs to be reviewed and amended/repealed so that only Accepted and Deemed to Satisfy types of development can be granted ‘Deemed Consent’, as it does not result in best practice for planning.
9. Some approval/notification process should be required for the demolition of buildings. The absence of this leads to uncertainty about development proposals and land use activities within the community.
10. Public Notification – The reduction in the need for public notification has caused concern amongst community members as they no longer have a right to comment and/or make representations on many Development Applications.
11. Appeal Rights – Third Party appeal rights have been significantly reduced and this has also left many community members upset with the process.
12. Practice Directions – these change from time to time, and it is challenging to keep up with these changes.
13. Key issues include proper engagement, improved notification processes, and minimal cost burdens.

The District Council of Grant hopes that this Submission is of assistance to the Expert Panel in its deliberations and recommendations to the State Government on ways to improve and enhance the use and operation of the new Planning System.

Should you wish to discuss this Submission further, and/or require any additional information or details, please do not hesitate to contact Leith McEvoy, Director of Environmental Services, District Council of Grant.



Leith McEvoy
Director of Environmental Services
District Council of Grant

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