

DTI:Planning Review

From: Jim Kyriakopoulos [REDACTED]
Sent: Wednesday, 19 October 2022 10:01 AM
To: DTI:Planning Review
Subject: PDI Act and Regulations - request for changes

Hello

Please see below some points which would like to be considered when doing the review:

Enforcement notices (12) –

This states direction cannot be given under this section if it appears that the breach occurred more than 12 months previously.

It is Councils understanding that the 12 months is too short. There is no scope to penalize the people who have done the illegal development. Especially how recently I have been involved with someone obtaining people from Gumtree to do major building works, then tried selling the property with no Statement of Compliance etc. These people who we are having problems with are mainly owner builders with no trade background.

In my opinion we are allowing this to happen giving us a short window to act and the 12 months should be increased to 5 years as it will give a good understanding if the building work has been constructed correctly.

Verification of application -

Council when requesting the required mandatory documentation and notified the applicant to provide. Several months and numerous steps to have the applicant provide the mandatory documentation, nothing is received.

Council does not have the powers under the Act or Regulations to not accept the application and cancel it!

There should a time limit of 60 days (keep it consistent) so they provide the mandatory documentation.

Outstanding Invoices -

Council when receiving the mandatory documentation and the invoice has been sent to the applicant, the invoice has not paid for several months. All attempts have been made to have the applicant provide or pay the fees, but to no avail. (Currently some staff have some outstanding applications which are over 6 months and more old!).

What happens to the application?

There should be an opportunity under the Act or Regulations that Council can withdraw the application. There should a time limit of 60 days, so they pay the invoice.

Minor Variations -

Legislative alterations that better:

- Define what is a minor alteration (case law has caused the matter to become confusing);
- Allow Council not to need to make any assessment to vary a consent when there is no impact upon that consent (i.e. with planning, truss calculation changes, with building, change to the content of an existing sign);

Variations -

Legislative alterations that better explain the role of a variation application and whether the variation should take on building rules consent matters and the development approval be 'run' under the variation application OR that the original application holds the Development Approval

Owner Builders –

Council's for many years have issues with 'owner builders'. What are the rules on how many dwellings an owner builder can build? I did previous recall they can only build 2 every 3 years, but it seems they are building 3 on one application. Council request them to provide Indemnity Insurance, but they say they are owner builders! There should be more regulatory to prevent this from happening. Just think, if they do it to one council how many are they doing in other councils?

Another issue was several dwellings were built by owner builders where the new owner was informed her electrical works were faulty. She complained to council why were did not act and follow up. As per the first point (Enforcement) we could only act within 12 months since the event happened.

I think other bodies like MBA and HIA should be involved as their members are being affected.

Swimming/Spa Pools –

Swimming/Spa pool legislation must urgently be looked at especially with summer around the corner. Councils are having the continuous issues where the swimming/spa pools are lodged by the swimming pool companies with the owners not aware on the progress and regulations until they receive councils' letter to inspect their permanent barriers. Reality is the companies install the pools with water in them (for fibreglass pools) and then place temporary fencing. Then council receives Statement of Compliance from the company saying pool/spa is installed, which is useless as the permanent barriers are not installed. In addition, when Council do go out there are problems with fencing, NCZ which causes stress to owners as all they want to do is use the pool, even with temporary fencing. I myself have gone out to pool inspections 3 to 4 times to get access but no one is home or letting us in. This becomes a costly exercise where lawyers become involved, and this could be avoided. To add, when they do put the fence up, they are not installed correctly, or same position as per plans, or use a different fence which is not as per approved plans. It has been noticed that private certifier tends to use the same fencing documents for all their applications even for different pool companies, which is OK, but the owners who are installing the fencing is not aware of this.

A solution is that the pool/spa company must be responsible for the installation of the safety barriers by engaging a licensed fencing contractor. As they are the applicant and have the knowledge what the rules are which should not be left for the owners to be responsible. The pool companies can then include the fencing installation as part of their development costs and ensure it gets installed correctly and within the required 2 months as per the legislation.

I am happy to be involved in further discussions in regards to the above.

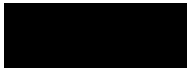
Kind Regards,

Dimitrios (Jim) Kyriakopoulos

Building Development Officer

163 St Vincent Street Port Adelaide SA 5015

PO Box 110 Port Adelaide SA 5015



www.cityofpae.sa.gov.au



Disclaimer This e-mail is from the City of Port Adelaide Enfield. The contents are intended only for the named recipient of this e-mail and may be confidential.

If the reader of this e-mail is not the intended recipient you are hereby notified that any use reproduction disclosure or distribution of the information contained in the e-mail is prohibited.

If you have received this e-mail in error please reply to us immediately and delete the document.

The City of Port Adelaide Enfield advises that in order to comply with its obligations under the State Records Act 1997 and the Freedom of Information Act 1991 email messages are monitored and may be accessed by Council staff and (in limited circumstances) third parties.

Any loss/damage incurred by using this material is not the sender's responsibility. The City of Port Adelaide Enfield's entire liability will be limited to re-supplying the material.

No warranty is made that this material is free from computer virus or other defect.