

Our Ref: Planning Review 2022

14 December 2022

Attn: DTI Plan SA

DTI.PlanningReview@sa.gov.au



**SUBMISSION
PLANNING SYSTEM IMPLEMENTATION REVIEW 12/2022**

OUR DETAILS:

Mosel Surveyors (Land Surveyors and Property Development Consultants)

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OFFICE LOCATIONS and council areas typically dealt with:

Kadina SA	Copper Coast Council Yorke Peninsula Council Barunga West Council Wakefield RC Port Pirie RC
Clare SA	Northern Areas Council Clare and Gilbert Valleys Council RC Goyder
Murray Bridge SA	RC Murray Bridge Mid Murray Council Alexandrina Council Coorong DC DC Karoonda East Murray

OUR RESPONSE

As an established survey and land development business we work with the planning system effective on a daily basis submitting land division applications through the Plan SA system. The majority of our work centers on regional areas, involving rural towns and rural (agricultural) land. We provide the follow feedback for your consideration for review of the current planning system with the aim for improvements.

PDI ACT 2016 AND REGS 2017

Verification of applications

Working with many smaller regional Councils we have been having difficulty with the verification process of applications. The PDI Regs 2017 Sec 31, provides for 5 days for verification but we have been finding many Councils are taking much longer and up to 30 days plus when the new system was introduced. Some council planners are using this verification process to more rigorously assess applications and even request more supporting information at this initial stage. Generally the majority of our applications for division fall into the code assessed category (performance assessed) and so verification should be a relatively simple process. With no apparent legal way to enforce the 5-day period, applications are simply taking much longer to process if the verification period is delayed.

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A suggestion would be that Plan SA perhaps take on the verification of applications so there is consistency in both the timing and the process.

We would also support the option that if a relevant authority takes longer than the prescribed timeframe to verify an application, the additional time taken to verify the application could be deducted from the assessment timeframe.

Excessive RFI's

We are getting many requests for information (RFI's) which seem to be treated as a delaying tactic to give council planning staff more time to assess applications.

We sometimes get multiple requests which could have all been sent as one, if the application was initially assessed professionally and more thoroughly.

Some RFI's are just statements of proposed conditions, there is not any information to provide and this simply creates more workload and delays the processing of the applications unnecessarily.

Planning Consent, land division consent

Some Councils are issuing separately and we are not sure why there is a delay between the two. Ultimately we simply need the land division consent to issue.

Issuing of Land Division Certificate, once all conditions cleared

It is suggested the issue of the Land Division certificate be centralised, and if this has already occurred, then some automation to occur.

Some of the reason for this request is we have had issues where there has been significant delays in Land Division Certificate issuing once all conditions have been met and cleared.

We have also had concerns where there has been a lack of understanding of final survey plans. Issues arising where there appears to be questions of what constitutes a material variation from the Proposed plan of division, and where the significance of notes stating easements "Do not form part of the division" is not understood. All understandable from parties that aren't exposed to these items all the time, but frustratingly inconvenient and expensive for our clients.

Infrastructure agreements and LMA's

We often work with major land divisions or construction projects and we have been getting requests from Councils to enter into agreements prior to Councils issuing the final planning decision notice. These agreements often relate to undertaking additional construction work that under the old planning system may have been simply outlined as a condition of approval (agreed by both parties).

Legislation could perhaps be reviewed to eliminate the need for these external infrastructure agreements which can be seen to result in delays and unnecessary expense in the processing of applications.

Site Contamination Assessment (Practice Direction 14)

Planning system Practice Direction 14 (PD 14) requires that site contamination reports and investigations are not more than 5 years old.

For large development sites that involve staging, development can exceed this time frame and this effectively requires site contamination reports to be reissued at unnecessary cost when no change has occurred with respect to the original site contamination assessment.

We suggest that PD 14 be reviewed to eliminate the need for revisiting site contamination when no change to site can be confirmed.

Native Vegetation Overlay

This overlay covers regional town residential/commercial areas with declarations often being requested even when totally unnecessary. This causes additional workload for no benefit. This overlay could be refined so that it only covers areas that are relevant.

Environment and Food Production Area Overlay

With respect to land divisions this overlay is at odds with some zones, particularly the Rural Living Zone.



This zone generally provides for land divisions of new allotments down to a minimum size typically 1-2ha for new residential dwellings. The overlay outlines under PO1.1 that land divisions are to be “undertaken in accordance with Section 7 of the Planning, Development and Infrastructure Act 2016”. This Section states under sub-section 5 (d) “if the proposed development will create additional allotments to be used for residential development, the relevant authority must refuse to grant development authorisation in relation to the proposed development”.

To overcome the above discrepancy, we provide the following recommendations:

Recommendation 1, that this overlay be only applicable to Rural Zones, and/or removed from the Rural Living Zones.

Recommendation 2, Land Divisions should not automatically be refused by the local authority if the minimum areas for the zone are met, and the Land Use is not to change.

Drive way locations on proposal plans

This requirement is totally unnecessary on rural land applications unless information is needed to clarify practical site access owing to steep terrain, site drainage and safe access onto a rural road with respect to speed limits/site visibility. Within urban areas, when the allotments have mountable kerbs fronting, showing a driveway location also serves no benefit.

It is suggested this requirement be modified to only be necessary to show practical access to proposed new allotments on proposal plans when deemed necessary owing to site constraints, safe traffic management, possible native vegetation clearance, steepness of terrain, etc.

Definition of an allotment (contiguous pieces)

We note that the PDI Regs 2017 definition for Contiguous Land, is not consistent with the RPA 1886.

Both the Real Property Act and the Development Act have similar definition of “contiguous land” and an ‘allotment’, which includes land on either side of streets, roads, railways, thoroughfares, travelling stock routes and public reserves. This would appear to be broader than the ‘definition’ in the PDI Regs, which only accept land either side of a road.

Schedule 8 Clause 7 (5) of the PDI Regulations defines contiguous allotments as those that are separated only by a road or road reserve.

Our proposed solution to this discrepancy would be an amendment of Schedule 8 Clause 7 (5) of the Development Regulations to bring it in line with the Real Property Act.

PLAN SA PORTAL

We have over 50 applications current in the Portal we are managing, it would be of benefit to review if others managing similar or larger numbers of Land Division applications feel there could be improvements for the ‘agents’ so as agents we get a more transparent view of what needs prioritising, easier interrogation of response times from other authorities, and RFI dates due dates etc.

With respect to using the portal and SA Property and Planning Atlas (SAPPA) we provide the following suggestions that could improve the system from a user perspective.

Development Application Processing System

Finding Dev number i.e. 344/D002/001

This number should be easier to find with surveyors needing it for survey plan, text sheets.

A solution would be to perhaps add this number to the home page with the application number.

Payment of fees

The invoicing system for payment of applications works well in general and this is certainly an improvement our organisation has welcomed.

We have however, had significant issues arise where Open Space is payable. Many of our clients do not have credit card facilities that :



1. Match the entity name the invoice that has been raised, creating potential tax issues for such large sums,
 2. Have a credit limit to support payment of the funds requested.
- It is suggested there be a facility online for payment via a BPay or BSB and account number – there have been situations occur where payments have been made to Plan SA and not matched to the appropriate project for over a month, significantly delaying the issue of Land Division Certificates.

For your action – page

All applications are listed together making it cumbersome to interrogate.

We suggest breaking into relevant groups of jobs depending on their status, i.e. verified, RFI's, under assessment, awaiting certification etc.

Under assessment – page

Similar to comments above, all applications in listed together and we suggest breaking into groups with relevant sub headers for easier interrogation.

Plan and information uploads

We note there is no flexibility once information or plan/s have been uploaded to the system.

This can cause issues if extra information is required to be uploaded or the wrong information was loaded and needs to be overwritten/replaced etc.

Development Application Register

Searching applications in general

The searching tabs seem sensitive to the entered search item.

For example, if you search "Martin" under street name all applications for Martin Tce would come up. If you search Martin, and Suburb not all applications are listed with respect to Martin Tce.

We suggest improvement if possible with the search tabs to help system interrogation.

SAPPA

Planning Policies for address report (i.e. land division development)

To make reports more user friendly we suggest when a clause is referred to within text (i.e. DTS/DPF 3.1) there is an active link to the clause.

We appreciate the opportunity to provide constructive feedback on items that could be considered under your planning system review and trust that some positive changes will result to further improve the system.

Please contact the undersigned if you would like to clarify or discuss any of the above comments in more detail.

Regards



David Jericho
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