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DPTI

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Email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

### **Submission – Draft Regulations**

The following submission highlights areas of concern with the current reading of the draft regulations, of which it has been difficult to determine the full impact given that the Planning and Design Code has not been released and therefore there is a level of uncertainty particularly in the areas of timeframes, the relevant authority, public notification and the costs and resources in delivering the new system.

#### **Timeframes**

The proposed timeframes for deemed-to-satisfy or performance assessed applications where there is no notification or referrals are supported and should be achievable. This is said on the premise of not knowing what types of development may fall within these areas and therefore not knowing the potential number of applications falling within this area for assessment and therefore what resources you may have to undertake the assessment. The pressure comes with the deemed consent provision.

Where the concern does lie is with more complex proposals and land divisions in which the new timeframes will reduce the opportunities to negotiate good planning outcomes. Taking land divisions as an example it will place a lot more pressure on Councils, and in particular smaller or regional Councils or those Councils dealing with multiple complex applications, to coordinate and have available the relevant expertise such as engineers to provide initial comment, ensure that additional information is being sought and undertake any discussion with the applicant. It is the reduced opportunity for meaningful discussion and negotiation with applicants, which is aimed at ensuring a good outcome for the development and ultimately the community, which is of key concern.

The concurrent timeframes for public notification and referrals is also considered problematic particularly if a referral agency requires amendments which could then require additional notification. In addition, given that the referrals are being reviewed, the proposed 30 day response time is perhaps excessive and could be reduced to 20 business days, which is the same period of time for an Assessment Manager to make a full assessment.

It is also considered that the Commission and Council CEO should have the same response time of 30 business days as it relates to Regulation 82 and 23(2)(b) respectively. Further with respect to the Council CEO, the matters on which they may comment are heavily constrained and do not allow for any planning assessment comments. This should be amended to allow for the CEO to comment or provide information on any matter that is deemed relevant to the application.

#### **Relevant Authority**

The key concern with Regulation 22 and the determination of relevant authorities is the potential increase in the number of applications that are assigned to a CAP. Councils have varying degrees of

delegations currently however a significant proportion of Councils have very good delegations with limited applications required to be determined by a CAP. There is a risk with the proposed regulations that there will be a significant increase in the number of applications determined by a CAP, which will result in increased costs to Councils and developers, increased timeframes and could result in poor planning outcomes particularly if larger land divisions are lodged in 19 allotment applications.

It is therefore recommended that Regulation 22 be reviewed with respect to where a CAP is the relevant authority or amend it so that it determines when an Assessment Manager is the relevant authority otherwise it must delegate to the CAP. An example is where a third party representation is received it must be delegated to the CAP.

If Regulation 22 is to remain as is there should be a definition provided as to what a "storey" is as it relates to (1)(ii)(C).

### Public Notification

It is recommended that Regulation 50(4) be amended to enable the relevant authority to determine if it wishes to place a notice on the land on behalf of an applicant rather than it being instructed by an applicant. If this remains as is then it will be important that when setting the fees there is a full cost recovery proposed or alternatively that the fee can be set by Council.

The proposed requirements will have additional resource implications for Councils generally and in particular rural Councils where significant distances may need to be travelled. It is also questioned whether the placing of a sign on a rural property will be effective given the potential for being on a 100km road or there is limited traffic on a road. In these circumstances it should be at the discretion of the relevant authority to determine if a sign is required given that adjoining owners will be personally notified.

### Costs and Resources

The cost and resource implications of the PDI Act and Regulations has already been touched on in this submission and these together with the costs of the eplanning system, the ongoing training needs and accreditation costs for accredited professionals, potential need for additional staff to assist with lodgements, education of the new system and the implications of the building inspections policy will place additional cost burdens on Councils and developers.

Some amendments to the regulations, as suggested in this submission, may assist in how costs could be reduced otherwise it will be important that local government is engaged when the fee schedules are determined to ensure that a cost recovery scheme is established for Councils.

I trust that these comments will assist in your deliberations on the regulations.

Please contact Sally Roberts, Manager Planning and Development on [REDACTED] should you have any queries in relation to this submission.