

Stephen Smith
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Mr John Stimson
Chair
Expert Panel for Planning System Implementation Review

Via email: DTI.PlanningReview@sa.gov.au

Dear John

As a planning professional working within the South Australian planning system since the mid 1980's, I have observed and been involved in many changes to the planning legislation and planning policy within the State. In my current role with the LGA I have had significant involvement during the reform and implementation phases of the new planning system and I have made a number of observations that I wish to share with the Panel

Health and wellbeing

The planning reforms and implementation of the new system has had a significant impact on the health and wellbeing of planning practitioners within the local government sector as a result of the significant change occurring within a relatively short period of time with new legislation, the introduction of the state-based eplanning system and the introduction of the state-wide Planning and Design Code. Regional planners have been particularly impacted with the regional areas being used as the 'guinea pigs' for the eplanning system and Planning and Design Code before it was fully ready to be implemented.

The performance reporting available within the new system highlights the success of relevant authorities in achieving the required timeframes, what it does not highlight are the significant additional hours local government planners have been required to work to achieve these timeframes. The time clock counting down for each application, the threat of deemed consents and the 24/7 availability of the system have all added to the work pressures for local government planners.

As a result of these pressures, we have seen many regional planners leave local government either for positions within the private sector or leaving the profession permanently.

With the loss of the planning undergraduate course from this state, we can ill afford to lose experienced planning practitioners particularly from regional areas.

While some may argue that the centralised planning system enables regional planning decision to be made from Adelaide, this has a further detrimental impact on regional communities through the loss of professionals and their families from regional towns.

Culture

There is often criticism and negative comment regarding the behaviour of planning practitioners within local government.

My experience is that local government planners seek good planning outcomes that benefit and enhance their local communities and most have a clear customer focus. Their approaches to how

development applications are considered are driven significantly by the councils and areas they work within.

A customer centric approach and the ability to engage with applicants and developers has become more constrained by the new system, through the online approach and the timelines now imposed. Whereas under the previous regime planning practitioners had the ability to engage with applicants to seek good planning outcomes, the reduced timeframes, the threat of deemed consent and the often at times ambiguous planning policy, reduces these opportunities and leads to less face to face communication and a more adversarial approach to decision making.

Private Certification

The role of the private certifier as a relevant authority within the system requires an urgent review and the decision making role of the private certifier significantly curtailed. The private certifiers role should not be expanded to enable them to issue DNF's as this has the potential to lead to 'corrupt' activities and poor outcomes that would further undermine the planning system.

The issue of delays in the issuing of DNF's could be resolved by private building certifiers undertaking the consistency check they are legislatively required to undertake and clearly documenting and demonstrate the extent of the inconsistencies to enable the relevant authority to determine the significance of the variation with the planning approval. It should not be the role of the private building certifier to make this decision.

The concept of 'minor' variations should also be removed from the Act as at present there is no clear interpretation as to what can be considered 'minor' and private certifiers have the opportunity to make multiple 'minor' variations on a single application. The opportunity for private certifiers to make decisions regarding minor variations beyond their designated role again enables the system to be open to abuse and corruption.

While private planning and building consultants have a role in assisting applicants with applications they should not have a role as a relevant authority in approving applications unless the option of minor variations is removed and applications be either Deemed to Satisfy or Performance Assessed with clear measurable criteria provided for DTS applications.

Verification

I note the Panels discussion regarding verification, I find it interesting that the Panel appears to conclude that the problem lies with the relevant authority through its asking the question, *should there be consequences on a relevant authority if it fails to verify an application within the prescribed timeframes.*

In my opinion the Panel should have sought more information from PLUS to determine whether the delays in verification were the result or delays by the relevant authority or the applicant, with the performance reporting available this should have been a simple request and identified more clearly where the issue lay and whether an issue existed in the first place.

The discussion would suggest that this is a matter being pursued by the development industry to further reduce the scope of information they are required to provide to enable a relevant authority to accurately assess a development application and to divert the Panels attention away from some of the key failings within the current system.

Noting that considerable time is spent by a relevant authority in verifying an application, which is not always then assessed by that relevant authority, applicants should be required to pay a fee to enable applications to be verified.

Accreditation of Professionals

The new planning system places an emphasis on well-developed policy informed through sound engagement practices with local communities.

However, the current accreditation program does not seek to ensure or require that policy planners have a good understanding of policy concepts or policy writing, this is observed with some of the poorly articulated policy within the Planning and Design Code.

The accreditation system has been designed only to consider the 'back end' development assessment process.

For a well-rounded planning system, the accreditation program should accommodate both policy and development assessment planners, and there should be a requirement for both to undergo ongoing professional development.

The accreditation program should also be redesigned as a pathway to enable practitioners as they gain knowledge and experience to move up through accreditation levels.

Planning Policy

The introduction of the Planning and Design Code 'governed by the State Planning Commission has seen the loss of significant local area policy designed to acknowledge the spatial difference between areas. What we now see is homogenous policy across large areas that does not reflect the local neighbourhoods or desired character. The new system is less of a planning system seeking good planning outcomes and more of a development assessment framework.

The opportunity to develop and improve on policy, to test and to be innovative has been lost with the introduction of a single Code managed through Planning and Land Use Services and the SPC.

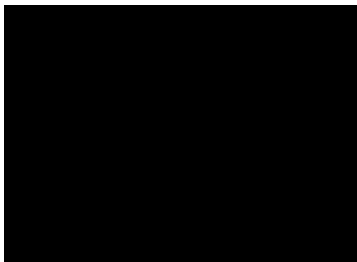
Under the previous system councils had the opportunity to be innovative through developing and testing policy in their local areas. This enabled other councils to look at the success or otherwise of the policy and often 'borrow' the policy, adapt and improve on it for their own local communities.

While this approach has drawn a negative response from the development industry due to varying policy across council areas, it led to innovation and ongoing improvement in policy content.

While some see value in the new centralised approach which has created 'homogenous' policy across both urban and rural areas, it has stifled innovation and reduced policy content to the "lowest common denominator".

To overcome this, councils should be provided the ability to develop and test policy at a local scale and other councils should be able to adapt the policy to suit their own local circumstances.

Yours faithfully



Stephen Smith RPIA (Fellow), Accredited professional Planning (Level 1 and 2)