



MOUNT BARKER
DISTRICT COUNCIL

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DPTI

Sally Smith
General Manager Planning and Development
Department of Planning Transport and Infrastructure
GPO BOX 1533
Adelaide SA 5001

Dear Sally

RE: draft *Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019 and draft Practice Directions – Growth Area Council Officers’ Response*

Thank you for the opportunity to respond to the latest papers published by DPTI regarding the implementation of the PDI Act 2016. Our feedback and comments are summarised below:

Draft Regulations

Our comments have been prioritised to include the following key areas:

Relevant Authority

The current determination of relevant authorities, as per Regulation 22:

- *Will see a significant increase in the number of applications for which CAP is the relevant authority, compared to the number of applications which are currently delegated to CAPs pursuant to each Council’s delegations.*
- *Will result in increased costs to both Councils and developers.*
- *Will increase timeframes on some applications.*
- *Will result in poor planning outcomes with some applications.*

Recommendations

1. *Amend Regulation 22 by deleting the words “other than where” from Regulation 22(1)(ii) and deleting sub-subparagraphs (A) to (H). This would have the effect of removing CAPs as a relevant authority, and making Assessment Managers the relevant authority in their place. An additional regulation requiring that the Assessment Manager must delegate to CAP in the circumstance where there is a third party response to a notice of application under section 107(3) of the PDI Act could also be included.*

2. *As an alternative to 1 (above); an additional regulation could be inserted after draft Regulation 22 requiring that the CAP must delegate the decision on an application to the Assessment Manager in the circumstance where there is no third party response to a notice of application under section 107(3) of the Act.*
3. *Review the circumstances where a CAP is required to be the relevant authority.*

Timeframes

The timeframes proposed in the draft Development Assessment Regulations:

- Do not take into account achieving best practice and optimal planning outcomes.
- Do not take into consideration the limited resources available to Councils, particularly small and regional Councils.
- Will result in increased costs to Councils through requiring Councils to increase resources to meet the timeframes.
- Will result in an increase in adversarial outcomes rather than best practice outcomes.

Recommendations

1. There should be increased timeframes for complex applications which require significant negotiations with developers to achieve positive outcomes.
2. The requirement for concurrent referral and public notification in Regulation 56(2) should be deleted and referral body response times should be reduced to 15 business days.
3. The Commission and Council CEOs should have comparable response times of 30 business days.
4. Regulation 23(3)(c) be amended to allow Council CEOs the ability to report to the Commission on all matters they consider relevant (is this the outcome you had in mind?)

Costs and Resources

The draft Development Assessment Regulations:

- Will place additional cost burdens on Councils and Developers.
- Have resource implications on Councils which will further increase costs.
- Will potentially be seen as further cost shifting onto Councils.

Recommendations

1. Recommendations on issues provided in other parts of this submission have identified how costs can be reduced.
2. It will be important that local government is engaged with when the fee schedule is drafted, to ensure that the fees to be established enable cost recovery for Councils.

Should your team wish to clarify any of our comments, please contact me on the details below.

Kind Regards,

Luke Gray

Manager Planning Policy and Strategy

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P: [REDACTED]