January 19, 2023

Expert Panel
GPO Box 1815
Adelaide SA 5001
Via email: DTI.PlanningReview@sa.gov.au

Dear Expert Panel Members,

Re: Planning System Implementation Review

Please find below a detailed response to the topics which form the current Planning System Implementation Review on behalf of the following Councils in the Eyre Peninsula region:

- District Council of Streaky Bay;

- Lower Eyre Council;

- District Council of Cleve;

- District Council of Elliston;

- District Council of Kimba; and

- District Council of Franklin Harbour.

Future Urban currently provides Local Government development assessment services to the 6 Eyre Peninsula Councils listed above. As a result, our Local Government assessment staff are well versed in understanding the policies/legislation which directly impact the Councils that we provide services for, and are acutely aware of where deficiencies exist within the current planning system.

Whilst submissions were originally due by Friday 16 December 2022, it was noted that Local Government was in a period of caretaker and had also recently held elections resulting in changes to the elected member body. As a result of this, the Minister for Planning agreed to extend the timeframe for all council submissions to Monday 30 January 2023.

As part of our review, we have only provided commentary on the following summary papers, as several of the current review topics are not specifically relevant to the regional areas:

- Planning, Development and Infrastructure Act 2016;

- E- Planning and Plan SA;

Our comments in response to the suggested questions in the summary papers are contained overleaf for the Panel's consideration.

If you have any questions in respect to our submission, please feel free to contact me.

Yours sincerely,

Jordan Hunt (on behalf of the Councils)
Senior Consultant

Planning, Development and Infrastructure Act 2016
Public Notification and Appeal Rights

1. What type of applications are currently not notified that you think should be notified?	
2. What type of applications are currently notified that you think should not be notified?	**Response to Questions 1 and 2:** We are of the opinion that the current notification table/forms of development are appropriate. However, standard forms of development such as outbuildings, verandahs, carports, etc. should not be notified within every Zone, so as to cater for anomalies of longstanding residential uses in non-residential Zones.
3. What, if any, difficulties have you experienced as a consequence of the notification requirements in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.	**Response to Question 3:** An additional exception should be created to exempt a sign on the land being required in the Conservation Zone, noting that commonly this land is Crown Reserve, abuts water, or does not abut a roadway. An example of this is the notification of a jetty proposal, with all adjoining allotments being notified in writing and a sign being placed to face the coast, as the allotment had no legal road frontage.
4. What, if any, difficulties have you experienced as a consequence of the pathways for appeal in the Code? Please advise the Panel of your experience and provide evidence to demonstrate how you were adversely affected.	**Response to Question 4:** The appeal processes in the Portal have been challenging, in that the Portal does not include any mechanism for updated/reversing a direction of a referral agency.
5. Is an alternative planning review mechanism required? If so, what might that mechanism be (i.e. merit or process driven) and what principles should be considered in establishing that process (i.e. cost)?	**Response to Question 5:** We are of the opinion that the current assessment processes are suitable and do not need to be changed.

Accredited Professionals

6. Is there an expectation that only planning certifiers assess applications for planning consent and only building certifiers assess applications for building consent? 7. What would be the advantages of only planning certifiers issuing planning consent? What would be the disadvantages? 8. Would there be any adverse effects to Building Accredited Professionals if they were no longer permitted to assess applications for planning consent?	**Response to Questions 6, 7, & 8:** We are of the opinion that Planning Certifiers should be the only accredited persons assessing and approving deemed to satisfy planning applications. This avoids instances, where building certifiers are making incorrect decisions and creating challenges at the Development Approval Stage. In our opinion there would not be any adverse effects if Building Accredited Professionals were not permitted to assessed applications for planning consent, as there is a significant number of accredited Planning Certifiers.

Deemed Consents

15. Do you feel the deemed consent provisions under the PDI Act are effective? 16. Are you supportive of any of the proposed alternative options to deemed consent provided in this Discussion Paper? If not, why not? If yes, which alternative (s) do you consider would be most effective?	**Response to Questions 15 & 16:** Whilst the current deemed consent provisions are effective, we are of the opinion that additional deemed to satisfy pathways should be created to enable other simple development types of development (i.e., decks, fences, etc.) to be efficiently assessed and streamlined.

Verification of Development Applications

17. What are the primary reasons for the delay in verification of an application? 18. Should there be consequences on a relevant authority if it fails to verify an application within the prescribed timeframe?	**Response to Questions 17, 18, & 19:** Generally, we have experienced delays in the verification of applications due to the low standard of documentation being provided. We have found that the applications which are often deficient are from rate payers who are electing to not use a builder or designer for the submission of their application. This often results in several verification requests for documentation being issued, resulting in extended assessment timeframes. The current verification timeframes are appropriate; however, a

19. Is there a particular type or class of application that seems to always take longer than the prescribed timeframe to verify?	penalty may be appropriate if extended delays occur (i.e., reduction in overall assessment timeframe).
20. What would or could assist in ensuring that verification occurs within the prescribed timeframe?	**Response to Questions 20 & 21:** It is highly recommended that a standard verification RFI/check list be developed (including the information specified in Schedule 8), so as to fast track the verification process and ensure all mandatory documentation is provided. This would also assist in ensuring verification is occurring within the prescribed timeframe.
21. Would there be advantages in amending the scope of Schedule 8 of the PDI Regulations?	

Other Comments

Agency Referrals	We are of the opinion that the referral timeframes for most agencies are far too long. We believe the referral time frames should be reduced to be in line with that of a performance assessment (20 business days). Furthermore, a modification should be made to the DAP to enable Referral bodies to amend conditions, as currently the only solution to amend a condition is to reissue a referral.

E-Planning and Plan SA

Website Re-Design

1. Is the PlanSA website easy to use? 2. What improvements to the PlanSA design would you make to enhance its usability?	**Response to Questions 1 & 2:** The current PlanSA website is relatively easy to use as an experienced user, however rate payers often raise concerns that the website is not easily interacted with by a first-time user. A simple solution may be to include more visible direct links to general topics on the home page.

Mobile Application for Submission of Building Notifications and Inspections

3. Would submitting building notifications and inspections via a mobile device make these processes more efficient?	**Response to Questions 3 & 4:** We believe that the ability to submit notifications via a mobile device would be a useful feature, as it is very uncommon for a builder to have direct access to a computer whilst onsite. This option would also

4.	Where relevant, would you use a mobile submission function or are you more likely to continue to use a desktop?	assist relevant authorities during site inspections, in instances where they do not want to bring along a laptop. In addition, the ability to upload JPEG photo files would be most useful.

Online Submission Forms

5. Is there benefit to simplifying the submission process so that a PlanSA login is not required? 6. Does requiring the creation of a PlanSA login negatively impact user experience? 7. What challenges, if any, may result from an applicant not having a logon with PlanSA?	**Responses to Questions 5, 6, & 7:** We believe there could be some benefit in allowing persons to submit a DA without a login, however this could result in an administrative burden if people accidently resubmit an application due to not being able to find an original. In our experience, the creation of a login does not typically negatively impact upon user experience, however it has created some challenges in instances where an application is lodged by the Council on behalf of rate payer.

Increase Relevant Authority Data Management

8. What would be the advantages of increasing relevant authorities' data management capabilities? 9. What concerns, if any, do you have about enabling relevant authorities to 'self-service' changes to development applications in the DAP?	**Response to Question 8:** There would be significant advantages in increasing the data management capabilities of the Portal, as all forms of records associated with a DA could be added into the document tab. This method of record keeping would be of a great assistance to our Council clients who rely upon consultants to undertake there assessment services. Having increased data management capabilities would also reduce the need to create ghost DA records in each Council's records management system. **Response to Question 9:** We have no concerns in respect to enabling relevant authorities to 'self-service' changes to development applications in the DAP. It is however recommended that strict permissions be set to limit who can make changes as well as what changes can be made.

Collection of lodgement fee at submission

13. Would you be supportive of the lodgement fee being paid on application, with planning consent fees to follow verification?	**Response to Questions 13 & 14:** We would be supportive of the lodgement fee being paid on submission of a development application. This enables a version of the Code to be locked in and for a fee to be recouped for undertaking

14. What challenges, if any, would arise as a consequence of 'locking in' the Code provisions at lodgement? How could those challenges be overcome?	verification, especially in instances where an application has several Request for Documentation issued at the verification stage. We believe this would also encourage people to progress older DA's which sit stagnant at the verification stage due to outstanding documentation.

Combined Verification and Assessment Processes

15. What are the current system obstacles that prevent relevant authorities from making decisions on DTS and Performance Assessed applications quickly? 16. What would be the advantages of implementing a streamlined assessment process of this nature? 17. What, if any, impact would a streamlined assessment process have for non-council relevant authorities?	**Response to Questions 15, 16, & 17:** The obstacle that often prevents Council's from undertaking a quick verification and planning assessment is the lack of information provided at the verification stage. Furthermore, the fact that the system does not have pre-generated checklist for accepted or DTS applications often slows the assessment as well. The benefit of a combined verification and assessment process would be that a decision is likely issued at a much faster rate, as applications would not often be caught up at the verification stage.

Automatic Issue of Decision Notification Form

18. What are the advantages of the e-Planning system being able to automatically issue a Decision Notification Form? 19. What do you consider would be the key challenges of implementing an automatic system of this nature? 20. If this was to be implemented, should there be any limitations attached to the functionality (i.e., a timeframe for payment of fees or the determination will lapse)?	**Response to Questions 18, 19 & 20:** The advantages of the e-Planning system automatically issuing a decision notification form is that there are limited administrative delays, where as previously under the old system the assessing officer would finalise their assessment and the decision could be formally issued as late as a week after. The key issue we see with the automatic issue of a DNF is the limited ability to update or amend a DNF if an error is made or resolve an issue easily if an accredited professional has made an error in their assessment (i.e., incorrect pathway or typo). Furthermore, in some instances, an application may be subject to external agreement with the granting of a decision being held off until the external agreements are resolved.

Building Notification through PlanSA

21. Would you be supportive of mandating building notifications be submitted through PlanSA? 22. What challenges, if any, would arise as a consequence of removing the ability for building notifications to be received by telephone or in writing to a relevant council? How could those challenges be overcome? 23. Would this amendment provide efficiencies to relevant authorities?	**Response to Questions 21, 22, & 23:** We are supportive of mandating building notifications through PlanSA; however, we note that this could create some challenges for builders who do not have access to the approved DAs in the Portal. We recommend that this approach be delayed, as we could see an increase in builders not notifying Council's due to difficulty accessing DAs, as opposed to the current approach which is simply emailing Council with a notification, and Council uploading it to the approved DA on the portal. We do not believe that this amendment would result in any efficiencies at this point in time.

Remove Building Consent Verification

24. Would you be supportive of removing the requirement to verify an application for building consent? 25. What challenges, if any, would arise as a consequence of removing building consent verification? How could those challenges be overcome?	**Response to Questions 24 & 25:** We are not supportive of removing the building rules consent verification requirement, as often DAs are severely deficient in Building Rules Documentation. We believe that removing this stage would result in large administrative burdens on Council's Building Surveyors. A solution may be to introduce a standard Building Rules Mandatory Documentation Request (specific to each BCA class) to streamline this stage.

Concurrent Planning and Building Assessment

26. What would be the implications of enabling multiple consents to be assessed at the same time?	**Response to Question 26:** Whilst having concurrent Planning and Building Assessments would increase efficiencies and timelines, it may result in significant complications at the building rules stage. Noting that it is very common for an application to be amended or significantly altered after the results of an agency referral or feedback from Public Notification. In these scenarios, variations or complete BRC assessments would likely need to be undertaken, resulting in additional fees and timeframes.