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Expert Panel
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Feedback on the Planning System Implementation Review

Dear Panel

Thank you for the opportunity to make comment on the Planning System Implementation Review.

My submission is based on my 19 years experience working in the South Australian planning system. The majority of that experience within local government, with recent experience in the private sector and more recently again as a small business owner operating a predominantly planning certification business.

The current system overall works pretty well from my perspective but like all things there is room for improvement. Please find my feedback below.

Potential improvements to the Code

- Decks are currently missing from the defined structures and should be added with parameters to allow a Deemed to Satisfy (DTS) assessment. I understand from a Council perspective the concern with a private certifier assessing these is that they may not require the same level of screening as the Council might and also any complaints are likely to go to the Council. As a private certifier I am critical of the impact of privacy being reduced from adjoining development. The Code could be changed to require screening with any deck/balcony and large penalties for any private certifier who does not enforce this.
- Retaining walls over 1m in height, up to 1.5m, should be able to be assessed by private certifiers in most if not all residential type zones. Walls of this nature often occur in sloping areas where each allotment is tiered with the topography. In these circumstances all residents are aware of the requirement. Retaining walls with a boundary fence on top (which prevents any overlooking impacts and is therefore required) are a common and expected impact for sloping residential areas and should **not be subject to public notification, which is the process many Council's are requiring** at present. A boundary fence is subject to the 'Fences and the Law' legal services process involves the neighbour in the outcome and therefore there should not be a doubling up with the development process.
- **As certifiers we are experiencing Council's requiring** CWMS connections to physically be in place before a new dwelling that we have approved as DTS can be issued with development approval. This is not a reasonable expectation and is causing delays for approvals. Also, a health wastewater approval should not be a requirement for a dwelling in a CWMS area as it just requires a septic tank and connection to the street. If

there is ample room for a septic tank with 3m setbacks to structures and boundaries, or a complete on-site system with ample space for the septic tank and on-site treatment, a formal wastewater approval should not be required before the planning decision can be issued. This is a separate requirement under a separate Act and if approval is not forthcoming then the dwelling is unable to be constructed, it is at the owners risk. This delay is slowing down private certification dwelling decisions.

- In terms of character and potentially heritage place development there are many types of minor development that should be included to have Accepted and DTS assessment pathways such as minor structures to the rear of properties not visible from the street and carports/garages located to the side of dwellings that meet all the criteria should be DTS.
- Replacement buildings and structures such as sheds, carports and roof material changes (tiles to metal, or visa versa) should be able to be assessed as DTS by private certifiers.
- Table 1 – On-site carparking, does not include a rate for personal or domestic services establishment. This should be included.
- Through my experience with the new Code I have come across several examples of anomaly development, for example an existing dwelling within a Strategic Employment Zone where improvements are sought to be made to a residential property, in a recent case a carport meeting all standard criteria, and these are not listed as DTS when they should be.

Potential improvements to the Planning Portal

- **The lack of a time penalty for the verification process is leading to many Council's** allowing this to expire way past the 5 days allowed. This is a cause of great frustration for residents and private certifiers. This issue is caused by a lack of Council resources which is not an issue for applicants. Further thought is required around this issue, perhaps provision for a private certifier to take over the assessment could be allowed, or the day(s) delay could eat into the planning assessment timeframe.
- Indoor recreation centre and personal or domestic services establishment should be added to the forms of development within the online Code search options. There are many existing listed development forms that are surely used sparingly (aerodrome, boat berth, motor sport track to name three) while the above mentioned two examples are quite common. Further, there are still many development types that do not come up with a list of relevant policies. This should be a basic requirement for all development types.
- The five day development approval verification process being undertaken by Council does not work, it holds development up. I suggest the verification process time, if it is to remain, should be 2-3 days.
- If there is allowance for private certifiers to issue both the planning and building consent, the planning certifier can and should be able to issue the development approval. This current last step often holds up from quick decision making. There is no obvious reason that I can see for the local Council to be simply informed of the final decision.
- When considering a variation the screen should show the original planning consent date, as this is needed for the stamping and currently means one needs to go back to the document screen to find the original planning consent date.



Thank you for the opportunity to provide feedback. I look forward to seeing the changes that are made to help further improve the flow and timing of development decisions.

Yours sincerely



Steve Tilbrook
Principal