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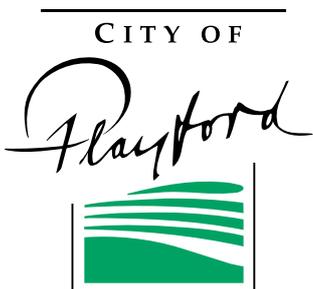
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**ASSESSMENT
PATHWAYS
TECHNICAL
DISCUSSION PAPER**

Responses to Key Questions



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Question	Response – Initials
Relevant Authorities	
<p>Code assessed applications are assigned to an assessment panel, except where the regulations assign an assessment manager or accredited professional. What should be considered when assigning these relevant authorities?</p>	<p>An Accredited Professional could be the relevant authority to deal with code assessed applications that are minor in nature with limited community impacts and no impact on Council infrastructure.</p> <p>Alternatively, the deemed to satisfy criteria could be broad enough to capture these types of applications with accredited professionals as the relevant authority excluded from code assessed applications.</p> <p>An Assessment Manager should deal with all applications other than where public consultation has occurred and a representation has been received against the application.</p> <p>It would be preferable that Council delegates to an Assessment Manager role rather than an individual. In the event a Council Assessment Panel have an Assessment Manager who is unavailable, a suitably qualified professional should be able to step into the Assessment Manager role. I.e. A deputy Assessment Manager.</p> <p>Where representations have been received then the assessment panel will be the authority.</p>
Assessment Categories	
<p>Should the current scope of 'exempt' development be expanded to capture modern types of common domestic structures and expected works?</p>	<p>Schedule 3 is generally appropriate, although minor structures such as the following may be considered:</p> <ul style="list-style-type: none"> • a cubby house with a FFL less than 600mm above ground level; • shade cloth or blind enclosures to existing structures; • roof mounted air conditioners (subject to a building rules assessment); • remove the double negative for the keeping of animals – a goat kept for domestic purposes may not be development in some circumstances. Just because the keeping of a goat is not, not development under Schedule 3 doesn't mean that it is development as it still needs to constitute a 'change of land use' to be development. It is a matter of fact and degree if a goat would be a change of land use and this should be clarified.
<p>Should the current scope of 'building consent only' development be expanded to allow for more types of common development with minor planning impacts?</p>	<p>Yes for the following items:</p> <ul style="list-style-type: none"> • minor external appearance changes in general Residential Zone; • roof mounted air conditioners.
<p>How should the scope of a 'minor variation' to deemed-to-satisfy development be defined?</p>	<p>Including a list of minor variations and/or percentage deviations from set minimums will result in the variation becoming standard practice. It would be preferable that</p>

	expected minimums be set at reasonable limits and any deviation be assessed such that impacts are appropriately considered
Are there some elements of a project that should always be notified if the deemed-to-satisfy criteria are not met (e.g. buildings over height)? Are there other things that don't matter as much for the purposes of notification?	Building heights are a common concern as the impacts of this aspect can increase the visual dominance, overlooking, overshadowing or views to a neighbor. Setback criteria will not have as significant an impact for single storey dwellings and should not be notified.
What types of performance assessed development should be assessed by an Assessment Panel?	It is considered that the applications where a representation has been received should be determined by the CAP for open and transparent decision making purposes.
What types of principles should be used when determining 'restricted' development types in the Planning and Design Code?	The nature of the social, economic and environmental impacts should help determine the suitability of 'restricted development'. It is envisaged that the Code will generally be silent on the planning merit of this type of development, similar to the current non-complying assessment and will therefore rely on an overall practical assessment approach.
How should restricted development be assessed? What other considerations outside of the Code should be taken into account?	The following matters should be considered for restricted development: <ul style="list-style-type: none"> • Expert referrals/advice; • Expert response to social, environmental and economic impacts; • Public consultation; • Local Government feedback on local matters such as traffic and land use considerations.
What scale of development and/or impact types would be suited to the impact assessment (not restricted) pathway?	Development that impacts on a regional or state level similar to current 'Major Projects' status
Public Notification	
Should accredited professionals/assessment managers have the capacity to determine publicly notified applications?	Assessment Managers only to deal with publicly notified applications if no responses are received in relation to the application. Accredited Professionals should not generally be dealing with matters that have been deemed to require public notification.
Who should be responsible for placing a notice on the subject land?	The Council should supply a standard sign template that is purchased by the Applicant or Owner. The applicant is then responsible to erect the notice at their cost in the most appropriate location determined by Council.
How would that person/body provide/record evidence of a notice being placed on the land throughout the specified notification period?	A visual image should be sent to the Council at the commencement and completion of the notice period.
For how long should an application be on public notification (how long should a neighbour have to provide a submission)?	The notification period should be: <ul style="list-style-type: none"> • 2 weeks for performance assessed development;

Should a longer period apply for more complex applications?	<ul style="list-style-type: none"> • 4 weeks for restricted or impact assessed development.
Provision of Information	
What type of information should be submitted with deemed-to-satisfy applications? Are the current requirements in Schedule 5 of the Development Regulations 2008 sufficient/too onerous?	It is considered that the current requirements of Schedule 5 are sufficient. In some circumstances the information may seem onerous, such as for minor domestic structures; however in some situations (sloping land for example) it may be necessary to make a decision.
Should relevant authorities (including accredited professionals) be allowed to dispense with the requirement to provide the mandatory information listed by the regulations/code/practice directions?	No – why is the information mandatory if it is not necessary? As above, while it may not be necessary in every situation, it becomes ambiguous to an applicant of when it may become necessary. It is not left to discretion of an authority to require some information that may turn out to have an impact on the final decision.
Should a referral agency or assessment panel be able to request additional information/amendment, separate to the one request of the relevant authority?	<p>Yes in the case of a referral agency as this information has been requested by a relevant expert assessing different criteria to a planning professional.</p> <p>It would be beneficial to have the ability for a CAP to request information in order to avoid a refusal where they may not be able to reach a conclusion. Further, CAP's can have different skill sets included on them that may have a different interpretation to the planning assessment that results in a different outcome.</p>
Should there be an opportunity to request further information on occasions where amendments to proposal plans raise more questions/assessment considerations?	<p>Yes as the alternative is to refuse the application which becomes a waste of time and effort as it moves into the appeal phase.</p> <p>It is better to try and resolve the matter with the applicant, although it is noted that this does open the door for an assessment agency to stop the clock for longer so it is considered that the timeframe for the provision of information should be reduced.</p>
Outline Consents	
How long should an outline consent be operational?	<p>The time period should be consistent with other types of consent and no longer. The strategic circumstances, and any change that may occur, have an equal impact on the assessment of an outline application as for other types of consent.</p> <p>However, there should be a provision that does not permit the extension of the time of expiry of an outline consent thus requiring the submission of a new application. It is important that applicants & land owners be encouraged to proceed to full application as soon as possible.</p>
When, where and for what kind of development would an outline consent be appropriate and beneficial?	<p>Outline consents should be restricted to being an option for larger scale developments ie exceeding a capital value of \$10million.</p> <p>Outline consents should not be available for development comprising land division. The amount of detail lodged for</p>

	land division is already minimal and the option of an outline consent pathway may encourage developers and landowners to submit even less information which will not facilitate the assessment process for Council.
What types of relevant authorities should be able to issue outline consent?	<p>Council only; as there will be no certainty under the new assessment pathways as to who will be the ultimate relevant authority.</p> <p>It would be unfortunate for a private party to grant an outline consent only for the ultimate relevant authority being Council and there being disagreement with the terms and conditions of the outline consent. This would lead to uncertainty in the assessment process.</p>
Referrals	
What types of development referrals should the regulations allow applicants to request for deferral to a later stage in the assessment process?	<p>EPA referrals for Schedule 21 should be considered.</p> <p>These matters are typically able to be addressed at a later stage as the impacts are on the lower scale.</p> <p>Quite often they have been resolved through the inclusion of reserved matters on current assessments as well so that the applicant has some level of certainty with a planning consent to move into the more detailed design phase.</p>
Preliminary Advice	
The Act stipulates that preliminary advice may be obtained from agencies. Should there also be a formal avenue for applicants to seek preliminary advice from the relevant authority?	<p>Playford Council is already resourced with existing staff providing this level of service with support offered for complex applications; however this would vary depending on the resources available at each individual authority and may be impacted if local resources are not available. If this expectation is provided then it may have an impact on Council resources.</p> <p>For some forms of development, such as a land division, it may extend beyond planning matters and into open space, engineering or other related fields that could impact the advice. The level of service provided should be left to the individual authorities to determine if they wish to provide it, which most do.</p>
Should there be a fee involved when applying for preliminary advice?	<p>If preliminary advice is formalised, yes for consistency across the State.</p> <p>Depending on the complexity of the proposal and the number of experts required to have input (if it involves multi-disciplined responses) then this fee could fluctuate as well.</p>
Decision Timeframes	
How long should a relevant authority have to determine a development application for each of the new categories of development?	<p>Similar to the existing timeframes for development:</p> <ul style="list-style-type: none"> • Deemed to satisfy 10 days; • Performance assessed 8 weeks plus referrals, public consultation, FI or vary;

	<ul style="list-style-type: none"> Restricted and impact assessed 12 weeks plus referrals, public consultation, FI or vary.
Are the current decision timeframes in the <i>Development Act 1993/Regulations 2008</i> appropriate?	Yes, they reflect the comments above.
Deemed Planning Consent	
Should a deemed planning consent be applicable in cases where the timeframe is extended due to: <ul style="list-style-type: none"> - a referral agency requesting additional information/amendment - absence of any required public notification/referral - any other special circumstances? 	It shouldn't be applicable until all relevant information has been received and the timeframe and referral response, public consultation, FI, vary time have been exceeded
What types of standard conditions should apply to a deemed consent?	None as this will need to be done by the relevant authority when issuing the consent within the following 10 business days
Conditions & Reserved Matters	
What matters should be addressed by a practice direction on conditions?	Certainty; the practice direction should address the Newbury Principle – type issues, and, should clarify, in plain English, what conditions can be applied to what types of approvals per Act & Regs etc
What matters related to a development application should be able to be reserved on application of an applicant?	Anything that does not undermine the certainty or finality of the development for which consent is being sought – perhaps should go into the Practice Direction.
Variations	
Should the scope for 'minor variations' - where a new variation application is not required - be kept in the new planning system?	Yes to reduce timeframes to minor changes that don't impact planning outcomes. Some clarification on what matters can be considered 'minor' would be beneficial.
Should a fee be required to process 'minor variations'?	Yes cover the authority's administration efforts a minor administration fee should be applicable.
Crown Development and Essential Infrastructure	
What types of Crown Development should be exempt from requiring approval (similar to Schedule 14 under the current Development Regulations 2008)?	No changes are suggested to the current system.
Are there any other forms of development/work that should be included in the definition of 'essential infrastructure'?	<p>Telecommunication towers should be considered in this area as they are necessary to support required technology; however the height restriction generally requires development approval.</p> <p>They are necessary structures but no one wants them in their locality which results in conflict of where they should be located. This would also reflect the approach taken by the Courts in the assessment of telecommunications towers.</p>

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