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DPTI

SA Planning Reform

Submission on

a) Assessment Pathways discussion paper and comments regarding accreditation.

(comments due by 17.10.18)



Assessment Pathways Discussion Paper

Executive Summary. Page 7- response to text

The emphasis on getting good planning policies is emphasized in the discussion paper, namely getting community input and ideas early in the process, through genuine community engagement so that subsequent planning and development is guided by these aspirations. However, the following statement 'Local councils to work with their communities to decide on local planning priorities, and state bodies will set state-wide planning policies in consultation with key stake holders.'

The above statement isn't clear how the two processes can or even should interact between the two levels of local and state government. How can state bodies identify the required range of 'key stakeholders' in order to protect finite natural resources, consider healthy and

sustainable city and suburb design and tackle climate change without considering the processes involved in achieving a 'think global, act local' approach to planning? Policies need practical ways of attaining desired outcomes.

The fundamental problem in providing comment on the documents released by the Commission is that consultation on the run when essential elements of the new planning system are not available (namely– the Planning and Design Code, land use definitions and class, public notification criteria), cannot be comprehensive or fully informed. It is hoped that the 'What we have heard' feedback will address issues raised by submissions, but not supported, and why.

The introduction outlines certainty for home builders and developers through using an accredited professional of their choice, and access to the ePlanning Portal to track their application. Access to a 24 hour e-Planning Portal will provide cost savings and monitoring of overall performance of the system. For straight forward developments the approach is supported.

Inherent in the Discussion paper is the message: Trust in the Code- but it is not clear how the Code will clarify, by exemptions, the process of assessment and notifications at this stage. Submissions from local government planners will provide experienced feedback on the notions suggested, so it is hoped their comments will assist in informing the Commission on how finally the proposed assessment pathways can operate.

Relevant Authorities – pages 16-20

Currently there is the council assessment panel, and the Commission. The proposed hierarchy is more complicated and less simple.

2.1. The Minister as primary custodian of the planning system should consider community consultation as part of his role in being the relevant authority for impact assessed (not restricted) development.

State Commission Assessment Panel

When appointing Ministerial appointed panels, consideration should be given to appointing a balance of people with relevant skills and backgrounds including property, infrastructure, heritage, local government, environment, climate change, disability access, social inclusion.

Assessment Panels – In place of the previous 2 appointed planning authorities (council appointed DAPS and Ministerial appointed SPC & its subcommittees), the discussion paper discusses the SCAP (retains out of council developments and all developments over a cost threshold),

Council Assessment Panels,

Comment: The one elected member does not have to be accredited but independent members do. I support this, but remain unconvinced that the political decision to remove 3 local government members from the previous panels where the majority and Presiding member were non-government was justified. There does not seem to have been any audit of panel performances and the opportunity for elected members to experience planning responsibility and learn from their non council appointed members was significant. Voting patterns of the Panels were never audited. A token elected member achieves very little.

Regional Assessment Panels

Comment: re Ministerial establishment and appointments, at the request of two or more country councils. In order to maintain local knowledge from each council involved in forming a regional authority, the number of elected members should represent each council involved. Regional plans prepared must focus on the economic, social and environmental profiles of the region with a balance of regional and professional expertise involved in the formulation of any regional plan. Heritage, climate change, land capability analysis, water resources and social as well as transport infrastructure review must inform the regional plan if it is to service future community and state policies capably.

Combined Assessment Panels

I query the logic in appointing this additional panel. Surely the need could be met by enabling a Regional or council panel power to co-opt specialist members from a Ministerial list of accredited professionals in mining, liquor licensing (often dealt with by a council's legal adviser or firm specializing in the area)?

Local Assessment Panels

Not necessary in my opinion. Given the process of involving the Minister and the Commission, any suspension of a CAP during investigation should be dealt with by the SCAP as far as processing applications while the Minister directly investigates the alleged malfunction. Replacement of council assessment or regional assessment panels must involve local council nominations being considered by the Minister.

Joint Planning Board Assessment Panels.

It is not clear what parts of the JPBAF functions would be controlled by the Minister or the JPB. It would be preferable to identify the preparation of a regional plan as a process involving a balance of state, expertise and local input. It is confusing to mix the preparation of regional plans, which involve a wide consideration of different research and strategy, with assessment panels in this way. Is this an alternative to the regional panels preparing Regional Plans? The intent is unclear.

This is not simplifying the system.

2.4 Assessment manager provisions.

Assessment Managers are required to be an accredited professional and operate as the panel's executive officer and appointed by Council (for CAP) or by the chief executive of DPTI (for Minister-appointed Panels) or by a Joint Planning Board. (please refer to comments above, to the effect that the purpose of reform is to simplify the system, not proliferate bodies and functions when co-option can work)

The flexibility required for smaller councils should not extend to a contract accredited professional to be appointed an assessment manager – issues of liability and the possibility of appeals should not be deflected into the private sector but remain with the Minister and Commission at state level and council at a local level in terms of legal responsibility.

3 Categories of Development

Other factors to consider when assigning assessment categories:

- The need to identify higher rise development in middle ring suburban Adelaide, close to accessible green space, public transport, and shopping centres, siting to minimize overshadowing of solar panels, amalgamation of allotments to provide adequate landscaping, uncovered landscapes, parking off-street, WSUD infrastructure.
- Technological trends
- Minimization of traffic pollution
- Heritage and character areas
- Climate change – reduction of COs emissions in planning
- Waste reduction/reuse systems
- Response to post occupancy surveys on how new development affects occupants and residents in terms of amenity, access, storage, public safety and mental health levels.

(support for points on page 23)

Assessment and public notification Categories – pages 25 & 26

Rights of third party appeal as well as applicant appeal should be reinstated. The process will test the applicability of relevant policies in an independent forum, rather than rest with the Minister.

Exempt and deemed to satisfy Development

DP 4 How should the scope of a ‘minor variation’ to deemed-to-satisfy development be defined?

A Deemed-to-Satisfy ‘minor variation’ may be very difficult to quantify or defend. For minor or simple developments, such as garden sheds, or any minor building work, repairs, or a change of use that supports the amenity of its locality in terms of acceptable noise or traffic movements and other amenity impacts, the Accepted pathway is fully supported. ‘Accepted’ should apply to State Heritage Areas and Character overlays with the Code providing specific exemptions and acceptable siting and built form for such zonings. However, any ‘variation allowance’ would simply become a default, rendering the Deemed-to-Satisfy standard unreliable and meaningless. Any variation should be performance assessed in the context of the circumstances.

Clear concise planning policies are welcome and the approach to improve timeframes in delivering a better system envisaged by the executive summary are supported.

The Table illustrating the pathways presented restrict third party notification (and the State’s rejected 3rd Party appeal rights) from both ends of the development spectrum – from deemed to satisfy (no planning approval required, which is acceptable) , to Impact Assessed

development falling within both Restricted Development and Impact Assessed Development categories. The latter when in the public interest should involve consultation with third parties.

Assessment Pathways: -levels, notification and assessment path.

Comment: Page 7 provides a diagram indicating the following proposed assessment pathways :

New Assessment Pathways proposed summarized below, (with feedback in italics):

- 1) Accepted Development - : No consent required, no notification. Supported.
- 2) Deemed to satisfy- minor variations (page 31) should be defined as not impacting adversely on the amenity of neighbouring properties (shading, noise, access, privacy etc), and passing the 'person in the street ' test of not noticing the variation from the plans approved by the assessment authority' or words to that effect. Caution is suggested, as the deemed to satisfy test places a test of accountability for the public expectation that the 'deemed to satisfy' – with non defined exceptions and discretion to determine same will compromises the clarity of the category.

DP 2 Should the current scope of 'exempt' development be expanded to capture modern types of common domestic structures and expected works?

Could include consideration of some expansion for typical minor development, eg fence retaining wall combinations up to 2.1m, porous above fence screening up to 2.7m. A suitable limited scale and location scope could be considered for outbuildings, inclusive of children's cubby houses, teenage or parent's retreats for sleeping and study not in public purview.

DP 3 Should the current scope of 'building consent only' development be expanded to allow for more types of common development with minor planning impacts?

Only if based upon a review of the current criteria for 'building rules only' and 'Res Code' with respect to wording definitions that might potentially expand the limitations to typical, or minor developments.

DP 5 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?

Yes.

Beyond development to be defined as Acceptable, deemed to satisfy developments proposed are heavily subject to interpretation of what constitutes 'significant' development.

If confidence and certainty is to be provided for public and developer alike by the assessment pathways then what defines a 'significant' development needs to be made

clearer. Will the assessment of 'significant' impact take into consideration of the effect upon the context of the locality with respect to heritage, character, scale and siting, movement systems, water management, urban greening to lower predicted higher temperatures, and the crucial retention of fertile land based on land capability analysis? This depends on how the Code will address the larger challenges that planning and development must respond to.

It is suggested that the following should be notified to adjoining neighbours: development/building on a residential boundary, 2-storey or more (specifically obtrusive scale, overshadowing, privacy implications etc), over-height, under-setback, outside envelope, over-size, under-parked, over-intensive etc.

DP 6 What types of performance assessed development should be assessed by an Assessment Panel?

Depending on the types of development that will be performance assessed pursuant to the Code. Beyond this, based on above principles, the following for example:

- development which is likely to have a substantive impact beyond the site;
- substantial variation from policy;
- substantially different to the existing character;
- any form of medium/higher density and 3 storey residential and/or mixed use development.

DP 7 What types of principles should be used when determining 'restricted' development types in the Planning and Design Code?

Given the unknown nature of criteria pursuant to the Code, it is suggested issues regarding: land use compatibility with the intent of the zone; possible impacts, eg emissions such as noise, pollution etc; and size and extent of development and non-envisaged or excessive scale.

It is unclear what process will apply to SCAP consideration and as a minimum a formal referral and consultation (noted concurrence to be excluded) with a local CAP and/or Council similar to current comparable non-complying development process?

DP 8 How should restricted development be assessed? What other considerations outside of the Code should be taken into account?

Ideally any restricted development should include mining and extraction processes under resource legislation? The hierarchy of legislation where specified Acts are exempted should be reviewed and reconsidered if the aims of planning reform are to respond to emerging

challenges and provide a clear and transparent process of development and change in the future.

Essentially a Code amendment process should occur with applicable strategic, region/locality and due public policy consideration.

For example, any urban, retirement or tourism development proposed on fertile soil, should be subject to stringent land capability assessment. This includes consideration of Farmland Protection areas, Riverland, land within Parks system, marine environments, and catchment areas.

Restricted Development (page 35)

Enable wider consultation, and policies in the Design Code that address sustainability, climate change and WSUD requirements elevated as key issues. In practice, approvals for restricted development should not need an excessive number of conditions attached for the Commission to approve a development. There have been cases where ongoing compliance issues result in a development that is either excessively conditioned or subject to many variations and exemptions by the applicant.. Third party rights of comment /appeal should be considered by the Minister and/or the Commission in these instances.

Process and applicable assessment criteria unclear because by default 'restricted' development is outside the Code.

DP 9 What scale of development and/or impact types would be suited to the impact assessment (not restricted) pathway?

Proper and orderly planning should balance, not prioritise, economic significance with long term consequences to social and environmental outcomes, and specifically focus on a strategic context towards a future desired outcome.

3) Performance Assessed Development (page 33)

Buildings over height or out of context with the existing character and scale of surrounding residential development should be notified and assessed by an assessment panel. There should also be a discretionary ability for an assessment manager to put borderline compliance with policies to the assessment panel for decision.

Deemed to satisfy components within a performance assessed application (page 32): this is a very unsatisfactory situation for the applicant and all concerned. I do not support bits of an application being granted planning consent as it is clearer to require all components to be acceptable in granting planning consent. Plans can always be amended prior to planning consent being granted. Surely, clarity is preferred? For example, landscaping or parking might be approved, when the overall development is not consistent with policy regarding the proposal.

In response to questions posed:

Public Notification

I support public notification in a newspaper if a site notice is placed on the subject land. It should be both, to ensure adequate notification. Not everyone (even neighbours) walk around the locality. Examples elsewhere in Australia include both on site notice and press notice. Notices should be standard A3, laminated and affixed to the property by an independent person; notably an accredited professional or council inspector, recorded with the date and photograph of the notice – and removed when the notification period is over. Local councils are probably the best agency to undertake the site notices process.

Adjacent land – notification by the planning authority - in some cases a radius of 60 metres will be inadequate. There should be some discretionary ability of the planner assessing the application as different types of developments have different impacts dependent upon their physical location and context.

Choosing an accredited professional by an accreditation authority (presumably at state level and balanced in representation) will rely heavily on monitoring accredited professionals who work independently of state and local government based assessment systems by the insistence on professional indemnity insurance cover referred to in the *Planning Development and Infrastructure (Accredited Professionals) Regulations 2018*.

Comment: Council Assessment Managers must be accredited by relevant professional organisations as well as by the Minister, and appointed to the position by local councils, who provide professional indemnity insurance cover for its employees. I do not support the notion that the assessment manager be personally liable for any appeal against decisions.

Delegations (related to Accreditation)

Likewise, the notion that an assessment manager delegate to the grades of delegation of those who work below the assessment manager but retain responsibility the approvals is not supported. The current system requires sign off by the manager, this should remain. Increasing levels of delegation is confusing to customers, and responsibility must remain with the person managing the DA team.

General comments regarding Accreditation

I have concerns regarding regular training and competency audits. If accredited, planners in particular will have successfully completed tertiary planning courses and have significant hands-on experience in development assessment and at least one other area such as policy , strategic planning, consultation etc. Working in the field of both planning and building within organisations both public and private is exercising competency and feed back from peers assists in a practical sense, especially through team work and work load reviews. Membership of professional organisations also assists competency Regular training comes from attending update seminars, and maintaining knowledge through practical experience in the work place. Work places are very busy, and there is little extra time to comply with further state requirements for professional training, unless the existing systems of CPD are recognized and acknowledged by the Minister and Commission.

The process of auditing of accredited professionals will be expensive, time consuming and increasingly complex. Resources should be given to prioritizing any complaints regarding private certifiers and companies providing quick approvals. To date there has been concern over some delegated building certifiers within the SA system, who have been deficient and overlooked relevant considerations in their sign offs.

It is submitted that professional members of CAPs should be covered by the Council insurance arrangements, given that many experienced semi-retired professionals who maintain continuing professional membership levels in non government professional bodies (such as PIA) are active only as members of CAPs. The cost of Professional Indemnity Insurance for providing expertise on council assessment panels would exceed the nominal payments for the time involved in assessing developments referred to CAPs for decision.

Complaints need to be thoroughly investigated by relevant professional bodies taking into account any codes or procedures required by the State Minister. Consideration should be given to defying circumstances warranting caution, censure or deregulation as a consequence of breaching the state Code of Conduct.

Design, heritage conservation techniques and practices, ethics, are all important non mandatory Continuing Professional Development topics.

Given the suspension of university planning degrees within South Australia, suitable courses interstate should be accredited and endorsed by the Minister for future students interested in attaining formal qualifications.

Assessment Pathways Discussion Paper

The *Assessment Pathways Discussion Paper* provides a good outline of the range and nature of assessment pathways and their associated procedural elements

The review of logic and implications is limited and difficult due to the lack of the key related parts to the package that is critical to defining a designated Assessment Pathway, eg Planning and Design Code policy, Land Use Definitions and Classes, Public Notification criteria et

On a general note, the nomenclature of the Assessment Pathways are very technical and not self-evident. For simplicity and clarity of meaning a suite of corresponding common use terms should be considered. Also assistance to people who are not computer literate be provided through local libraries or similar to help navigate access to e-planning.; especially when the full planning reform suite of processes, code etc is available.

However, to address the range of issues, key criteria and provide structure to the submission, the suggested Discussion Points in the Paper have been followed.

Relevant Authorities

DP 1 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?

Application authority should be assigned according to:

- Complexity of the application;
- Whether public notification is desired;
- Whether the use is envisaged in the zone;
- Performance Assessed applications with use of discretion and judgement should be assessed by a publicly accountable authority with broad balance of community interests, transparency and responsibility, ie Assessment Manager, CAP (Council Assessment Panel), SCAP (State Commission Assessment Panel);
- Accredited Professionals should be limited to technical Deemed-to-Satisfy applications.

Public Notification

DP 10 Should accredited professionals/assessment managers have the capacity to determine publicly notified applications?

Only Assessment Managers where no representations, or representations satisfactorily resolved. Still involves application of discretion and judgement that should be through a transparent and publicly accountable process and authority.

Not appropriate for all Accredited Professionals (eg Private Certifiers) given lack of transparency, accountability and potential challenge.

DP 11 Who should be responsible for placing a notice on the subject land?

An independent body or service paid for by the applicant, with date of notice placement, and photograph of the A3 laminated notice affixed on the subject land. Removal after the notification period should be the responsibility of the applicant.

DP 12 How would that person/body provide/record evidence of a notice being placed on the land throughout the specified notification period?

As above, accompanied by a Statutory Declaration.

DP 13 For how long should an application be on public notification (how long should a neighbour have to provide a submission)? Should a longer period apply for more complex applications?

Public Notification needs more nuance than a single simple one-size fits all option. Public Notification should be tailored from site specific, limited, simple short option, eg 8 working days for building wall on 1 boundary, to time frames suitable broader, longer, complex options relative to the scale, complexity and impact of development. Large projects involving complex information should be able to summarise, with possible effects, aspects of the development.

For restricted or impact assessed, time of 20 and 40 business days respectively is suggested.

Signage on the subject site should be an identified requirement for all forms of public notification.

Extent and Status of Public Notification

The anticipated limitation of public notification generally and particularly 3rd party appeals is concerning.

As described above there should be a reasonable level of advice and input to developments with variations from policy and impacts to others. Besides the rare obvious 'restricted' categories attracting greater 3rd party appeal rights, there should be thresholds for Code performance assessed development with undue variation from policy (which would need to be clearly defined) to trigger the higher level of public notification and 3rd party appeal rights for natural justice

Current scenarios include major development in Urban Corridor Zones that are not on the zone boundary requiring no notice, and otherwise if designated to be notified could be any height irrespective of desired 5 storey limit and still attract minimum limited notice and no 3rd party appeal rights. The result is a current discrepancy in policy, where 2 storey developments may require full 3rd party notification, whilst the Minister's 5 storey development is classified as Category 1.

Strongly recommended: A better, more tailored, hierarchical and justified regime of public notice that serves natural and reasonable justice for neighbours and the community should be explored by the SPC.

Provision of Information

DP 14 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?

The standards need to include everything that is required to assess the application.

General Information Requirements

Currently inadequately specified. Requirements for more complex multi storey, multi dwelling and non-residential development should be included like land use description and detailed operation, overshadowing, overlooking, traffic and manoeuvring, parking, detailed landscaping plans etc.

Assessment Categories

DP 15 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.

DP 16 Should a referral agency or assessment panel be able to request additional information/amendment, separate to the one request of the relevant authority?

Yes. This is important as they have not been responsible for processing the application prior to its presentation, and a specific request for information would only be for matters pertinent to a proper assessment of the application.

DP 17 Should there be an opportunity to request further information on occasions where amendments to proposal plans raise more questions/assessment considerations?

Further information supplied may not be complete or sufficient, which should be determined by the relevant authority, whereby further request and stopped clock should apply.

Design Review

A 'Design Review' process in respect to larger, complex, critical and sensitive 'classes' of development would be beneficial. Besides obvious large development, there may

be a need for detailed review of new replacement/infill buildings in sensitive heritage and character zones. Post occupancy surveys on specific impacts by new developments would assist in testing the effectiveness of design guidelines, resident amenity and consumer satisfaction. Auditing of numbers, time frames and processing could then expand to provide a service to the state and other assessment authorities in improving and reviewing Code provisions and other aspects of planning and development. Further existing policies lacking performance criteria, such as climate change, could be further developed in response to performance of existing designs, building techniques and landscaping (eg Climate change)

Fees

For an effective system and pursuit of good outcomes there are a number of steps in the assessment process where considerable investment of time and resources is necessary to ensure consistency, compatibility, integration, compliance etc

The breakdown of development applications into many pieces, eg:

- multiple 'elements' (building components like a garage or building parts like a wall);
- staged consents;
- outline consents;
- reserved matters;
- deferral of referrals;
- consents in any order;
- multiple variations;
- from a variety of authority's (eg Private Certifier, CAP, SCAP);

leaves the ultimate overall Development Approval coordination, complex and substantial checks and effort, primarily to Councils.

It is important to have all relevant information and

Community expectation is that Council will be first and primary port of call for query, assistance, explanation, justification, consistency, compliance and enforcement placing extraordinary burden upon already limited resources.

Fees should be built in for all discreet steps to recognise these resulting obligations, facilitation of system by proper checks and balances and to aid recovery of some income for these critical functions given pressure on limited general Council resources, including:

- Preliminary Advice;
- Lodgement – assist non-ePlanning literate to enter into system;
- Consents information review, negotiation, notification and assessment;

- DA issue with integration of multiple components, consistency checks, viz building with planning (and with Codes and procedure criteria);
- Compliance, Mandatory Inspections (planning and building) and Enforcement (more expiations and expedited processes).

Outline Consents

DP 18 How long should an outline consent be operational?

no more than 12 months. Potential conflicts with ongoing consents if policy changes in between.

DP 19 When, where and for what kind of development would an outline consent be appropriate and beneficial?

Larger scale envisaged development and land uses. In reality, if the zone policy is comprehensive, clear and rigorous the envisaged development would be readily identified for certainty or investment purposes. It's unlikely an outline consent would be given for any scope beyond policy, without more associated comprehensive details to justify.

DP 20 What types of relevant authorities should be able to issue outline consent?

Assessment Managers, CAP and SPAC.

It is unclear but normal Public Notification should be triggered for all elements and ultimate application based on overall development, eg initial height 'envelope' approval should not obviate further Public Notification for subsequent detail of a building within an envelope of that scale.

Referrals

DP 21 What types of development referrals should the regulations allow applicants to request for deferral to a later stage in the assessment process?

The development should be framed within an intended outcome related to nature, scale, siting and height. Within these agreed parameters, deferrals could be arranged especially if the applicant needs to contact the agency the subject of the deferral. Such discussions may resolve and clarify requirements directly between agency and applicant prior to formal referral which could be returned without delay. But should the requested deferrals result in major changes, this would confuse the original nature of the development and just delay the decisions required.

It should be deemed appropriate if it should be restricted to referrals that are not likely to change fundamental aspects of the ultimate design.

Preliminary Advice

DP 22 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?

There should be sufficient submitted information and that the discussed information with the agency recorded and plans discussed are stamped to avoid any confusion over what was considered in preliminary advice?

DP 23 Should there be a fee involved when applying for preliminary advice?

NO. Although the process, time and decision making is significant, preliminary discussions and information intended to assist the applicant should be informal but noted by parties involved, dated and signed. This should be part of general planning services, whatever level the authority involved.

Decision Timeframes

DP 24 How long should a Relevant Authority have to determine a development application for each of the new categories of development?

'Accepted Development' = up to 2 weeks (potentially shorter dependent on what is required to confirm an Accepted Development in the e-Planning system);

- 'Deemed to Satisfy' = up to and including 4 weeks (based on there being no variations from the criteria);
- 'Performance Assessed' = 12 weeks excluding public notification, referrals, preliminary determinations and CAP agenda time-frames.

It is important that Assumption clock stops be made for any non-processing time, eg further information request, inadequate information, negotiation, etc

DP 25 Are the current decision timeframes in the Development Act 1993/Regulations 2008 appropriate?

Generally yes but refer to above.

Deemed Planning Consent

DP 26 Should a deemed planning consent be applicable in cases where the timeframe is extended due to:

- a referral agency requesting additional information/amendment.*
- absence of any required public notification/referral.*
- any other special circumstances?*

No. Deemed consents should only be applicable to Accepted Development or Deemed to Satisfy where criteria is clear and no confusion about the process and decision timeframes (excluding all the stop the clock elements).

A situation that must be addressed is a Private Certifier, acting as the relevant authority, simply delaying process and forcing a Deemed Consent. Given only the Relevant Authority can appeal such a Deemed Consent it's unlikely a Certifier will appeal in such a circumstance, leading to potential inferior and unchallengeable development outcomes.

DP 27 What types of standard conditions should apply to a deemed consent?

Normal implementation issues should be addressed, eg:

- Built in accordance with approved documents;
- Site management;
- Stormwater disposal;
- Regulated and Significant Trees protections;
- Affect upon Heritage Places, on-site or adjacent sites;
- council standards with relation to Council, and others, assets in the public realm.

Conditions and Reserved Matters

DP 28 What matters should be addressed by a practice direction on conditions?

Standard wording for basic conditions, which are applied widely.

DP 29 What matters related to a development application should be able to be reserved on application of an applicant?

Only incidental matters that do not affect or alter the nature or fundamental design of the development, and exempting arrangements that may result in compromising the development. (eg business negotiations over access to water resources).

Variations

DP 30 Should the scope for 'minor variations' - where a new variation application is not required - be kept in the new planning system?

Yes. On the basis that variations post approval should only be minor and inconsequential, create no fundamental change, and additional impacts beyond the site or change of category.

A Practice Direction or Guide should define the nature and scope of 'minor variations'.

DP 31 Should a fee be required to process 'minor variations'?

Yes. Potentially related to development nature, scale and the number of individual elements to reflect and recognise the level of work involved.

Crown Development and Essential Infrastructure

DP 32 What types of Crown Development should be exempt from requiring approval (similar to Schedule 14 under the current Development Regulations 2008)?

Current exemptions are reasonable.

DP 33 Are there any other forms of development/work that should be included in the definition of 'essential infrastructure'?

No, Temporary storage and depots required for the work being undertaken are included as exempt development, providing details are supplied together with activity plans to minimise impact on neighbouring property owners and occupiers, roads and traffic etc particularly in built up areas.

Thank you for the opportunity to comment.

Yours sincerely

Dr Iris Iwanicki, Fellow and Accredited Planner, PIA