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DPTI

Submission – The Barossa Council

Assessment Pathways Technical Discussion Paper

Closing date: 5pm Wednesday 17 October 2018.

Elements

The concept of 'elements' appears to have changed from the existing legislation with arguably perverse outcomes.

In brief, with the exception of certain existing provisions for a small area in Unley, it seems there is a fundamental shift from an 'element' currently being regarded as a separate component of an overall development (e.g. Detached Dwelling, Carport, Veranda, Swimming Pool) each of which can follow different pathways with some being granted by different relevant authorities, to an 'element' being a characteristic or feature of a development (e.g. size, height, setback). The existing 'component' approach is validated in Schedule 9 of the Development Regulations 2008 which assign categories to forms of development (e.g. outbuilding), not to characteristics (e.g. height or setback).

This new approach seems logical in terms of providing clarity as to what aspects of a proposal require assessment from those that must be accepted and are beyond question. It also seems logical that a person assessing a proposal knows that their focus is only on one or more aspects rather than looking at every feature of a proposal. However a concern comes from s.102(7) of the PDI Act which introduces the notion that different relevant authorities may assess specific elements and may grant planning consent accordingly, and in no particular order!

It is understood this approach to elements was in response the *Païor* case; however it seems to have resulted in potential unusual outcomes. If elements are now features such as setback and height, take the following example of a detached dwelling (perhaps extreme but possible): we could see one accredited professional assessing height, another assessing setback, with the local Assessment Manager assessing size, with each consent (requiring separate applications) being granted in no particular order. In this example the planning consent effectively comprises three parts, so $1+1+1 = 1$ planning consent + 1 building consent = development approval! It therefore appears necessary to clarify the approach to components to ensure that certain elements are required to be detailed before it is a component is considered 'complete' and therefor ready for full assessment (rather than permit separate and partial assessment)

Outline Consent

The concept of the Outline Consent is supported. However, the consent should have a set timeframe (i.e. 6 months) to remain valid to ensure that an applicant proceeds to submit all the necessary documentation to determine any subsequent consents. At the end of the timeframe, the consent should simply lapse, and require the applicant to lodge a new application.

Referrals

What is the anticipated relationship other statutory approvals that may be required and Code Assessed Development? Does a development that is 'Deemed to Satisfy' become 'Performance Assessed' if there is a legislated referral?

Minimising the number of legislated referrals is encouraged. As per our forthcoming comments on the Natural Resources and Environment Policy Discussion Paper the current regime of 'referrals' for certain development types could be streamlined with the introduction of a 'Resource Consent' for licensing and approval requirements. Rather than an applicant seek to defer a referral as suggested by the Discussion Paper, they could have the option of obtaining a 'Resource Consent' at any stage prior to seeking development approval in the same way other consents can be obtained in any order.