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1 March 2018

Department of Planning, Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5001

Email: dpti.planningengagement@sa.gov.au

Dear Sir/Madam

Adelaide Hills Council Submission on the Draft Planning, Development and Infrastructure (Development Assessment) Regulations 2019 and Practice Directions

Adelaide Hills Council is grateful for the opportunity to provide feedback on the the draft Development Assessment Regulations and Practice Directions released for community consultation by the State Planning Commission on 16 January 2019.

In preparing this submission a comprehensive review of the Draft Regulations and associated Practice Directions was undertaken including consultation with relevant Council staff. In addition, staff attended a round table workshop hosted by the Local Government Association (LGA) with representatives of other councils.

As such Council strongly supports the recommendations in the submission provided by the Local Government Association on the draft Regulations and Practice Directions, which we understand is being submitted to DPTI. Our comments are therefore supplementary to those of the LGA.

Support of Intent

At the outset Council would like to acknowledge that the draft Development Regulations as proposed certainly create an interesting and new dynamic for development assessment system within South Australia.

The ambition to improve the way all applications are assessed to facilitate more efficient approvals and more consistent development outcomes, and greater competitiveness for South Australia is understood and supported.

Notwithstanding, there are some ideas within the Draft Regulations that are a cause for concern to Council which are discussed in more detail below. General comments addressing this point have been

provided below and in the Adelaide Hills Comment Table – Relevant Clause Summary provided as **Attachment A**.

General Comments

It is considered difficult to holistically review the draft Regulations in the absence of a complete Planning and Design Code. Noting the limitations of such a scenario in this instance, effort has been made to ensure that our responses at least consider what has been released as part of the Phase I Code release. Notwithstanding, it would be worthwhile to consider opportunities for amendments to the Draft Regulations following the release of each Phase of the Planning and Design Code.

The changes proposed to the Public Notification process, is a cause for concern amongst the general community. It is considered that DPTI will need to treat this issue with increased sensitivity and additional engagement to ensure backlash towards Councils is minimised.

Public Notification

There is concern regarding the additional resourcing burden to fulfil the requirements of the public notification process (specifically the erection of the signage on site), particularly for regional Councils. The main concern centres on the installation of the required signage on sites where proposed development is to occur and the potentially onerous task of monitoring that the Regulations have been complied with.

In addition, the effectiveness of such signage outside urban and township zones is questioned due to speed limits in these areas (i.e. 80kph or higher) and various environmental factors (e.g. roadside vegetation, distance of the sign from the edge of the road and the size of the subject land). The cost impost is also a concern for both the applicant and councils where there is more than one road frontage to the subject land and multiple notices will be required. This will disadvantage applicants for development outside of urban areas and within peri-urban or regional councils.

In addition, there is uncertainty surrounding whether the public notification process must be restarted or extended if it is found that regulations were not complied with (i.e. the sign was removed or vandalised, or not erected by the proposed commencement date) at any stage during the notification period. Again the administrative burden that such a circumstance would cause is a concern and it is considered important that the Regulations provide clarification as to how to deal with such matters as it is certain to arise.

CAP Relevant Authority for All Notified "Performance Assessed" Development

Draft Regulation 22 prescribes that CAP is the relevant authority for major development. There is concern that this includes all notified performance assessed development, regardless of whether there are representations received or if the representations are in support. Whilst DPTI envisages CAP may choose to establish delegations to planning staff, this is discretionary and has potential to create differences in approach across councils. It is noted that it is the future Planning and Design Code that will prescribe developments that require notification, and the number of potential developments that will be reported to CAP. However, this is unknown at this point in time as Phase 3 of the Code has not been released. Further, the current wording has potential to add to both assessment timeframes for non-contested development and staff workloads in relation to CAP report writing.

The DPTI Guide to the Draft Regulations also makes reference to certain developments in the Hills Face being CAP decisions but it is noted that there is no reference to this in the current version of Regulation 22. This therefore needs clarification.

Timeframes for decisions on development applications

Council is generally supportive of the new draft assessment timeframes. However, the circumstance where a performance assessed development requires notification, referral and a CAP report, the 70 business day timeframe consolidates referral and notification timeframes into 30 days. There should be consideration in making the decision timeframe the total sum of time allowed for each process i.e. 95 days instead of 70 days. If an agency requires changes to the plans that have been publicly notified, then there should be additional time built in to allow for repeating the notification process where this is required.

Additionally, where SCAP require a report from Council for restricted development or crown development in circumstances where SCAP is the relevant authority, 15 business days is considered unreasonable when compared with agency referral timeframes of 30 business days. It is recommended that this be changed to 30 days to be consistent.

In relation to Draft Regulation 37 (2) for applicant's extension of time requests to provide further information, it is noted that the assessment timeframe is recommenced when the one year period is exceeded. Clarification is required as to the applicable date from which the one year period is calculated (e.g. the date of the letter seeking additional information, or the date of notification from the applicant that they need more time to respond?).

Minor Variations to Development

Draft Regulation 71 allows for variations to development authorisations in the same way that minor variations are accepted now. DPTI should be aware that more and more variations are included in privately certified building consents without any prior request to vary the planning consent being made. DPTI's intent to issue a practice direction on variations is noted and we request that this circumstance be addressed in the Practice Direction. The manner in which minor variations to development authorisations made by CAP are processed also needs to be clarified in the Practice Direction as it will be counter-productive for minor variations to be remitted back to a CAP meeting. The introduction of a proposed fee for variations is welcomed.

Accreditation Scheme

Fundamentally the accreditation scheme was intended to professionalise the industry, however due to plausible delegation structures, in response to the Regulation framework, the accreditation scheme may ultimately be diluted.

The accreditation scheme, particularly the new powers for surveyors and private certifiers to issue minor consents raises questions around who will be responsible for policing the decisions being made by them and how the community will be assured protection. There is already a perception amongst the community that the Planning Reforms will be stripping decision making powers from councils. It is therefore considered that DPTI will need to treat this issue with increased sensitivity and deliver additional engagement to ensure potential backlash from the public towards councils is minimised in this instance.

The mandatory completion of prescribed units for CPD places quite a financial burden on planning and building staff training costs for local government, and for accredited professionals on an annual basis. It is considered a disincentive for CAP members who are often retired planning professionals on lower incomes. The number of prescribed CPD units and their delivery should therefore be reconsidered by DPTI for implementation at a later date.

Council GIS Innovation

Currently Adelaide Hills Council has an evolved GIS system with multiple layers that assist in the development assessment process. Notably, the award winning median allotment size land division tool recently adopted as part of the Townships and Urban Areas DPA should be transferred into the ePlanning GIS system. Scope to pick up these kinds of innovative GIS tools should be explored as this tool is transferable and tuneable to similar areas in the State which have a wide range of allotment sizes and shapes in a particular residential zone, and where the character of the area is considered worthy of protection.

EPlanning Portal

It is still unclear who will be responsible for State Records Act compliance. It is considered that the State Planning Commission should outline how records management is envisaged to be supported in the Planning Portal, to ensure that councils can ensure compliance with the aforementioned Act, and that sufficient resources are available if required to manage this.

There are still many aspects of the ePlanning portal which are unknown or may need refining and we request continued input into the building/formulating of the ePlanning portal.

Significant Trees

The reference to the removal of Regulated Trees in bushfire prone areas is in a Schedule rather than in the body of the Regulations. It is considered that this should be reviewed. For simplicity and to improve consolidation of criteria currently in place in the Development Regulations, it is suggested that all criteria for Regulated Trees should be in the one location or at least cross-referenced in the draft Regulations.

Base-line Development Application Information

Base-line development application information has been expanded in new Schedule 8 and this is supported. Draft Schedule 8 currently allows existing ground level and proposed floor level to be discretionary for both outbuildings, residential alterations, additions and new dwellings, and for non-residential development. This information is considered fundamental for assessment purposes and references to “if relevant” are requested to be removed as a number of sites involve no level alteration unless they are replacement buildings. In the rare circumstance where it is irrelevant, there is provision in Regulation 31 for relevant authorities to waive the information requirements, provided it is recorded. It is recommended that the recording of information waivers are made in the SA Planning Portal in an appropriate manner.

Additions to the swimming pool and tree removal site plan requirements are requested to include existing and proposed buildings, and the boundaries and dimensions of the site. This is considered fundamental information for assessment purposes to provide the context for all development.

Furthermore it is noted that Certificates of Title (CT) are not required in Schedule 8. Clarification is therefore sought on how the information on Titles (e.g. easements or rights of way) will be retrieved if the applicant is not required to provide a copy, noting that there is a cost to obtain these. The information in CTs is considered crucial for the assessment of development proposals.

Order of Consents

There is a concern regarding the order of consents (i.e. development plan consent (DPC) and building rules consent (BRC)) and that this may cause problems, especially where DPC is to follow BRC. In such a circumstance, it may result in the expectation that DPC will be issued, however, this may not be the case as in order to get an application over the line so to speak, a council planner may have negotiated a split level design as opposed to a two storey design which would result in significant changes to the BRC, and additional costs and frustrations for the applicant. It is therefore considered that this matter be revisited and that BRC not be permitted to be issued prior to DPC.

Further, a major concern is allowing the commencement of site works for aspects of a development which are not 'development' in their own right (e.g. landscaping, vegetation clearance, earthworks etc.) until DPC has been issued. The rationale behind this suggestion is that in some instances where a proposed development is to occur on a large rural allotment, an alternate less obtrusive location may be negotiated by a planning officer to minimize the extent of the earthworks and/or vegetation clearance. However, if a person commences such activities before planning consent is issued, it will result in additional costs and frustrations for the applicant. It is considered that the Regulations should address these matters and that these should form part of a future practice direction in order to clarify matters in this regard.

Lodging applications on SA Planning Portal

A relevant authority who receives a development application must lodge it on the SA Planning Portal within 5 business days after receipt of the application. Regulation 30 distinguishes between relevant authority and accredited professional. This seems to indicate that private certifiers could continue to send applications to the Council and it would be a requirement for the Council to upload the applications into the Portal once received. As councils are expected to pay on-going financial contributions for the Portal, it is considered that there should not be a further administration impost placed on councils to upload applications for private certifiers. A hardcopy building private certification for a large development can take several hours to scan and upload, and therefore a fee to provide this service is considered appropriate and necessary. Alternatively the onus should be on accredited professionals/certifiers to upload development applications directly to the Portal.

New Building Inspection Policy

There is concern in relation to the new requirement for a certificate of occupancy for dwellings and the potential this has to seriously increase the volume of building inspections to be undertaken by councils. The need to undertake an inspection to verify that smoke alarms are connected and that bushfire protection requirements have been met in bushfire prone areas for certificate of occupancy should be noted. The level of non-compliance with these requirements is often high and triggers the need for re-inspection. To address this issue, it is recommended that appropriate inspection fees and reinspection fees be set in a similar manner to that applied for Waste Control Approvals, so that any changes to the inspection requirements can be adequately resourced by councils. The one inspection fee introduced for swimming pool inspections under the Development Regulations 2008 is currently inadequate as the

majority of pool developments require multiple inspections to achieve a reasonable level of compliance, particularly on sloping and vegetated sites.

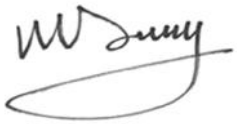
For additional commentary in relation to the draft Assessment Regulations, please refer to **Attachment A** - AHC Position Table – Relevant Clause Summary.

Summary

The Adelaide Hills Council is generally supportive of a majority of the draft Development Assessment Regulations, and where concerns or suggestions have been made, our Council looks forward to having them addressed or included where appropriate in the final version.

If you have any queries regarding the above comments then please do not hesitate to contact Ms Deryn Atkinson, Manager Development Services, or myself on [redacted].

Yours sincerely



Marc Salver
Director of Development and Regulatory Services

cc: Stephen Smith - Local Government Association

Enc: Attachment A - Relevant Clause Summary Table

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Adelaide Hills Council

Relevant Clause Summary Table

Draft Development Assessment Regulations 2019

Adelaide Hills Council

1 March 2019

Doc ID 618240993/v1

Clause	Title	Content of draft Regulation (summarised)	Adelaide Hills Council Comment	Amendment Sought
Part 2 - Variation of *Planning, Development and Infrastructure (General) Regulations 2017*				
4	*Variation of regulation 3—Interpretation*	This Regulation contains defined terms to be inserted into the existing General Regulations.	Bush fire zones - while flood zoning is recognised, bush fire zones are not. It is considered that this requires amendments.	Refer to comment and amend the Regulations to capture this suggestion
Reg 3F	Significant trees	This Regulation replaces previous Development Reg 6A. It is generally consistent with the existing wording, but refers to "significant tree overlay" rather than a "designated area".	3F(4)(a) - What about bushfire prone areas where additional exemptions apply Reg 4 (18), is there merit in referencing that here?	Refer to comment and amend the Regulations to capture this suggestion
Reg 3I	Prescribed period (section 44(12)(b))	This Regulation prescribes a period of 21 days after failure of an entity to comply with the Community Engagement Charter, to correct its failure, following a direction by the Commission.	The prescribed period is 21 days to rectify non-compliance, but under the Community Engagement Charter, some requirements to satisfy notification are 4 weeks. The prescribed therefore period needs to be extended otherwise it may be impossible to comply. Also, throughout regulations, business days are referred to, clarity should be provided whether this is business or calendar days.	Increase the prescribed period to a minimum of 20 business days (ideally, with an additional 5 business days for administrative slack).
N/A	General Comment	When referencing the term notification	There is no definition provided in the PDI Act or the Regulations for the term 'Notification'	The term notification be defined in Regulation 3 given that public notice is in relation to crown and impact assessed.
Part 5—Relevant authorities and accredited professionals				
Reg 22	Prescribed scheme (section 93)	The Regulation prescribes developments for which accredited professionals may act at the relevant authority. Applies to assessment managers, Accredited professionals - planning level 3 and 4 and Accredited professionals.	There is a general concern that this provision will result in a substantial amount of applications going to the assessment panel, rather than applications remaining with an assessment manager. The exclusions at Subregulation 22(1)(a)(ii) are too broad. 22(1)(a)(ii)(B) - Using a monetary benchmark only for what applications should and should not be determined by an assessment manger is not useful; limits on this should be determined by reference to application type	Refer to comment and amend the Regulations to capture this suggestion Subregulation 22(1)(a)(ii)(B) to be amended to refer to type of application, or to a floor space limitation.

Clause	Title	Content of draft Regulation (summarised)	Adelaide Hills Council Comment	Amendment Sought
			or floor space. 22(1)(a)(ii)(C) - Use of the term "storeys" within this Subregulation requires specification. There are no clear limits to the definition of a "storey" and it is not clear how below ground or partially below ground storeys should be treated. We recommend a maximum height limit be inserted within a definition placed at the front of these Regulations. 22(1)(a)(ii)(F) - DPTI have stated informally that the decision of these applications can be delegated, however this needs to be clarified formally as there is concern that this could substantially increase Council's costs. 22(1)(d) - Accredited professional – surveyor is the relevant authority for planning consent for DTS land divisions (no minor variations). It was understood by Councils that this was not going ahead given that even simple land divisions can have complex planning considerations. 23(2)(b) - The period of time to provide a report to SCAP in relation to Restricted Development should be extended from 15 to 30 business days at a minimum (to align with notification period for impact assessed)	 Refer to comment and amend the Regulations to capture this suggestion Refer to comment and amend the Regulations to capture this suggestion DPTI to confirm. Refer to comment and amend the Regulations to capture this suggestion
Part 6—Development assessment - key principles				
Reg 27	Elements of development	This Regulation notes that where a development involves 2 or more elements, the relevant authority should clearly identify each element for the purposes of assessing the development against the Planning and Design Code.	While it is accepted that defining an 'element' has historically posed challenges, it is suggested a Practice Direction on the term be released such that the lay-person can get a feel for what an 'element' is as a concept. The Regulations provide no definition or further guidance on this issue currently.	Refer to comment and prepare a Practice Direction to define the term 'element'.

Clause	Title	Content of draft Regulation (summarised)	Adelaide Hills Council Comment	Amendment Sought
Part 7—Assessment—processes and assessment facilitation				
Reg 33	Notification of acting (accredited professionals—planning)	Accredited professionals (other than assessment managers) to give notice of an application for planning consent to the assessment panel for the area via the SA planning portal within 5 days of receipt of the application, together with a copy of the application and relevant supporting documents. The relevant fee is payable to the assessment panel at the time the notice is given.	Confirmation is sought regarding why a notification by an accredited professional is addressed to the CAP and not the Council or the Assessment Manager. If they are addressed to the CAP, what reporting is anticipated to be provided to CAP? It is the Assessment Manager who will be responsible for ensuring Full Development Approval is granted and the management of the process, not the CAP. As such there is concern with potential additional reporting requirements.	DPTI to confirm this and it is suggested that this should be reviewed and consideration be given to making the notification to be addressed to the Assessment Manager.
Reg 35	Verification of application and determination of nature of development	This Regulation requires the relevant authority to assess received applications as to the completeness of information and the determination of the correct entity to assess the application (and to refer or assess accordingly) within 5 days of receipt of the application.	35(1) - This provision is odd: the relevant authority determines whether they are the relevant authority. However, a relevant authority can be any person or panel at s82 of the Act. Who has the day-to-day responsibility for the SA planning portal? Assuming it is the Council for the area, the Council should have this task. 5 days is too short a period for consideration, cross checking and allocation. A minimum 10 business days would be more reasonable for what could be a large task (depending on the application size/complexity of an application). Regarding the verification of application process – it is not clear how an application is dealt with if the information provided is inadequate. Many DAs lack the required supporting information. Does this mean it does not progress to lodgement until after all the required information has been supplied? How long can an application stay in a state of verification if adequate information to lodge is not supplied? Will it be the	Amend Regulation 35(1) such that the relevant authority receiving the application is the Council. Amend provision to reflect minimum 10 business days. Refer to comment and consider auto lapsing by the system if the required information is not provided within 10 business days, or other reasonable period.

Clause	Title	Content of draft Regulation (summarised)	Adelaide Hills Council Comment	Amendment Sought
			responsibility of the relevant authority to follow-up after verification is returned? These matters are require clarification	
Reg 36	Application and further information	This Regulation prescribes developments in relation to which requests for further information may be made and relevant timeframes for making such requests.	Timeframe for sending request for further information - currently 15 business days, but PDI reduces this to 10 business days. Do many Councils comply with the 15 business day period now? If we struggle to comply currently, how is it envisaged that this can be reduced? Councils often need to consult with internal departments & local heritage consultants to inform requests for further information. Therefore 10 business days is considered insufficient and places a resource burden on other council departments for quick responses to DA referrals. State agencies have 30 business days to respond and councils should not have their timeframes reduced.	Refer to comment and consider changing the 10 business day period to 15 days for sending the request for further information.
Reg 37	Period for additional information and other matters	This Regulation prescribes period within which an applicant is required to respond to a request for further information or documents etc.	37(2) This Regulation would be more logically placed under Regulation 41. This was originally put in place to prevent people putting applications on hold indefinitely.	Refer to comment and amend the Regulations to capture this suggestion
Reg 38	Amended applications	This Regulation prescribes the relevant start date of an application made, where the application has been varied (unless the variation is not substantial in which case, it has no effect).	38(1) Does time start running on receipt of the original application or the varied application? It is assumed, given the drafting of (2), that this is supposed to be receipt of the varied application? This requires clarification. 38(2) What is a 'substantial' variation? The relevant case law should be considered and guidance provided by way of Practice Direction on this point. If a substantial amendment is made we seek clarification if this starts the clock again and what is meant by the term substantial e.g. is adding the removal of a regulated tree to a dwelling application a substantial variation? Clarification is needed on the definition of	The last line of subregulation 38(1) needs to be amended to include the words "receipt of the variation to the application". Refer to comment and amend the Regulations to capture this suggestion Refer to comment and consider issuing a Practice Direction with a definition of "substantial variation" and "minor variation" and how each should be dealt with.

Clause	Title	Content of draft Regulation (summarised)	Adelaide Hills Council Comment	Amendment Sought
			'substantial' and how the variation is recorded to restart the assessment timeframes. Variations are often poorly reflected on plans and poorly described.	
Reg 50 (1)(a)	Notice to owners of occupiers of adjoining land		It is considered that as the planning reforms are going electronic, that an electronic email notification option be allowed for in this clause, where councils have email addresses for the property owners to be notified.	Refer to comment and amend the Regulations to capture this suggestion
Reg 53	Representations	This Regulation replaces Development Reg 35 - similar drafting. It notes procedural requirements for representations to be made to a relevant authority including the timeframe for lodgement, details of the representor to be provided, ability for relevant authority to allow a representor to appear to be heard and the response from an applicant.	53(2) - Change ordinary course of post to 5 business days (especially necessary for regional areas).	Refer to comment and amend the Regulations to capture this suggestion.
Reg 56	Time within which decision must be made (section 125(1))	This Regulation provides the prescribed timeframes (including some additional periods to apply in certain circumstances) within which a relevant authority should deal with a planning application, calculated from when the relevant authority has verified the application and the relevant fee(s) have been paid. Regulation 56(1)(k) and 56(3) provide for an extension of the timeframe within which a relevant authority should deal with an application the subject of proceedings and permits the relevant authority to decline to deal with an application until such proceedings are concluded.	56(1) - The point at which 'time starts running' in relation to an application is crucial, especially given the ability to obtain a deemed consent under section 25 of the Act. This date should be given a definition rather than being hidden in the wording of this subregulation. 56(1)(b) - 20 business days should be amended to 30 business days. Due to being merit based, these applications can be complex. If building consent under (d) is 20 business days, 30 business days for merit-based applications is considered more reasonable. There is a concern, particularly in regional areas where resourcing can be challenging, that the proposed timeframes are too limited.	Include "Verification Date" (or something similar) as definition within Regulation 4 "being that date upon which the relevant authority has made its determination under regulation 35, lodged the appropriate notice on the SA planning portal and received the appropriate fee in full, in relation to the application" Then, amend Regulation 56(1) by replacing the above wording with "calculated from the Verification Date". Refer to comment and amend the Regulations to capture this suggestion
Reg 60	Notice of decision	This Regulation largely reflects the provisions under	60(2)(b) - This should be 5 business days for consistency.	Refer to comment and amend the

Clause	Title	Content of draft Regulation (summarised)	Adelaide Hills Council Comment	Amendment Sought
	(section 126(1))	Development Reg 42. It prescribes timing for a notice of a decision on an application and details to be included in such notice.		Regulations to capture this suggestion
Reg 64	Notice of conditions	This Regulation states that a notice of a decision on an application must be accompanied by details and the reason for the imposition of the condition (including receiving directions from a prescribed body).	If certain conditions are directed by state agencies (as a result of referrals), will the agency give its own reasons, or will Councils have to infer why, or simply write "Reason: to comply with the requirements of DPTI"? Is having reasons for each condition still relevant, as the it is noted that the Environment, Resources and Development Court (ERDC) in recent times do not give reasons for each condition. This requires clarification.	DPTI to clarify and amend the Regulations accordingly.
Reg 71	Variation of authorisation (section 128)	This Regulation replaces Development Reg 47A - with amendments to provide that an application for variation of a development authorisation is not required where the authorisation was granted by an accredited professional. Includes requirements for a relevant authority to endorse notice of the minor variation and make other consequential amendments.	71(3) - Timeframes for sending request for further information - currently 15 business days, but PDI reduces this to 10 business days. A mechanism to allow minor variations to be considered by the Assessment Manager should be considered to avoid minor matters needing to go to a CAP meeting. We support the application of a fee for variations.	Amend the Regulations to increase period for sending requests for further information to 15 business days. Refer to comment and consider a mechanism for minor variations to be dealt with by the Assessment Manager.
Reg 126	Register of applications	This Regulation replaces Development Reg 98 and has the same wording.	Local Government is not opposed to the concept of the keeping of a register, however, this should be maintained on the SA Planning Portal and not kept separately. Further, this is a duplication of what's contained in Reg 98 and it is therefore considered that Regulation 126 be deleted.	Refer to comment - Delete Regulation 126.
Reg 131	Issue of expiation notices	This Regulation states that authorised officers are designated persons who may give expiation notices.	There is no definition for 'authorised officers'. One should be added to give this Regulation meaning. Our comments above at Regulation 31 also apply here with regard to the collection of expiation fees by councils and the administrative and financial burden that will be placed on councils in the event that such fees are	Refer to comment and amend the Regulations to capture this suggestion

Clause	Title	Content of draft Regulation (summarised)	Adelaide Hills Council Comment	Amendment Sought
			not directly collected by them. Clarity around this process is therefore required.	
Schedule 3 - Additions to definition of development				
This Schedule replaces Development Reg Schedule 2 - drafting is generally consistent with the wording in the Development Regs.				
Sch 3, 8	Display of advertisements		Sch 3(8)(2) No changes have been made to pick up that commencing an advertisement is 'development' but changing the contents of that same advertisement in the future is not. While this is generally accepted, consideration should be given to third party advertisement, where the original sign did not contain such content, being 'development,' even if it's on an existing sign for which development consent has been given.	Refer to comment and amend the Regulations to capture this suggestion.
Schedule 4 - Exclusions from definition of development				
This Schedule replaces Development Reg Schedule 3 - drafting is generally consistent with the wording in the Development Regs.				
Sch 4, 1	Advertising displays	Sch 4(1)(d) This clause confirms that advertisements displayed in relation to residential buildings do not require development approval (including advertisements displayed for a home activity) as long as they don't move, flash, reflect undue light or are internally illuminated.	Sch 4(1)(d) It is noted that signage related to a *home activity* will be exempt from the definition of development. Has the impact of this been considered particularly in residential zones? It is considered that this requires clarification. Sch 4(1)(i) A new trend has arisen where real estate signs are now externally illuminated. Some councils are treating such signs as 'development.' It is therefore suggested that in such instances the signs with external illumination also be exempt from development approval. However, internally illuminated real estate signs should not be	DPTI to clarify this matter and amend the Regulations accordingly. Refer to comment and amend the Regulations to capture this suggestion.

Clause	Title	Content of draft Regulation (summarised)	Adelaide Hills Council Comment	Amendment Sought
			exempt.	
Sch 4, 2	Council works	This regulation describes the types of council construction and maintenance works that are not development. Sch 4(2)(f) deals with the installation of playground equipment on or in a recreation area.	Sch 4(2)(1)(f) A definition of 'playground equipment' should be inserted for clarification. The concept of what may now constitute playground equipment is much broader and varied than ever before. For example, playground equipment may often include skate parks or "rage cages" and these common elements should form part of the definition.	Refer to comment and amend the Regulations to capture this suggestion.
Sch 4, 4	Sundry minor operations	Sch 4(4)(1)(j)(ii)(B) Water tanks outside of Metropolitan Adelaide up to 15m2 and 60000L are not development	Sch 4(4)(1)(j)(ii)(B) Some further consideration needs to be had for regulation of water tanks in regional areas in relation to the location/accessibility, being constructed with non-combustible material and connection requirements to ensure that such tanks are able to be utilised for firefighting purposes should also be picked up. In addition, given their size, these tanks can still have a significant visual impact if placed on a common property boundary or on a hill side and a cumulative threshold should be required (e.g. 2 or more tanks in a row should require development approval) in order to capture this in the assessment process. It is therefore recommended that the Regulations be amended accordingly.	Refer to comment and amend the Regulations to address this issue regarding water tanks.
Sch 4, 10	Demolition of Single Storey buildings	Sch 4, 10	It is noted that demolition of such buildings, other than a local heritage place and the other circumstances as mentioned in this clause, will not require approval. However, councils will have no record of such demolitions and it is considered that councils at least receive notification that a building has been demolished	DPTI to consider this suggestion and amend the Regulations accordingly.

Clause	Title	Content of draft Regulation (summarised)	Adelaide Hills Council Comment	Amendment Sought
			so that our records can be updated and development application files for the original building can be disposed of in accord with the State Records Act.	
Sch 4, 11 Dams	Dams	Sch 4, 11	Should dams be development no matter what size? DPTI to consider this suggestion.	DPTI to consider this suggestion and amend the Regulations accordingly.