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Please find attached comments on the above draft Regulations

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Relevant Authorities	
CAP (22)	<p>Unless the level of notification is lessened under the Code there is potential for a significant increase in the number of applications to be assessed by the CAP resulting in the need for additional resourcing and/or delays in decisions for applications where no representations against the proposal were received.</p> <p>Notified applications that do not receive representations could be sub-delegated to the Assessment Manager, however sub-delegation is likely to vary between Council's creating an issue with inconsistency and streamlining of the assessment process, contrary to one of the key intentions of the Reform.</p>
Assessment Managers (22)	<p>Sub delegation of applications from the Assessment Manager to an Accredited Professional for certain performance assessed development (not assigned to assessment panels) and land division consent is likely to vary between Council's creating an issue with inconsistency and streamlining of the assessment process.</p> <p>Issues arise where the Assessment Manager is away/ incapacitated etc and no additional assessment Manager is accredited within the Council. What mechanism is there to enable the continued functioning of assessment should this issue arise.</p>
State Planning Commission (23)	15 business days is not a sufficient time frame for Council to provide comment on development that is likely to be of a complex nature, particularly as it would often require advice from other technical experts within Council.
Application Time Frames	
Concurrent procedures	What occurs when, of instance, and application requires referral and notification. What happens if an referred application changes the categorisation.
Information Requirements	
Request for further information (36(5))	Requires one request only for further information to be issued within 10 business days. This may be very restrictive for more complex applications. The 15 business days required under the Development Act should be retained.
Amended applications (38)	Requires a definition of what is considered to be a "substantial" variation which would provide clarity between when an amendment is minor or requires a new application to be lodged.

Public Notification	
Notice on Land (50)	<p>Better control if undertaken by Council but will involve additional resources and creation of and erection of signs on site may add to timeframe (particularly if reliant on external bodies to manufacture)</p> <p>Ensuring the sign remains on the land for the period of notification may require regular site visits (resourcing issue for Council).</p> <p>A photograph at the end of the period showing no sign gives no indication of how long the sign has been missing and who was responsible for interfering with it. Would the notification period be required to restart if the sign has been removed at some stage?</p>
Letters	To ensure letters are delivered within the 3 day period may require the use of priority post which is an additional cost to Council. Ordinary post can take up to 5 days to be delivered.
Deemed to Satisfy Elements (27)	Identification of the elements eligible for comment will potentially make the situation clearer for the public, however it is an additional step in the process (time) for Council and added responsibility to ensure everything has been captured.
Building Matters	
Regulations 25 and 48	Where used, relevant building terminology should be clarified to refer to the definitions used in the Building Code
Regulation 39	Consider introduction of expiation for a person commencing work without building indemnity insurance
Regulation 99	Remove the provision for a notice of building work to be received by registered post as this is not practical
Regulation 108	Consider including the criteria required for a person to occupy a class 1 building (similar to the current Regulation 83A of the Development regulations 2008 which appears to have been removed).
Owner builders	Consider introducing a requirement that owner builders for class 1-9 developments must obtain some form of mandatory permit/training (prior to commencement of construction) in order to perform building work approved under the Act.
General	
Better Cross Referencing between PDI Act and Regulations	Although there is some cross referencing between the Act, the Regulations and Practice Directions and it is understood that there needs to be appropriate legislative control over the development process, the legislative process appears very convoluted and certainly not as clear as it maybe should be, particularly when one of the main themes of the reform is to simplify the system/process. Being required to

	<p>continually bounce between the Act and the Regulations (with reference to regulation numbers or section numbers without a subject matter reference) in order to get the whole picture of the particular issue being considered can and will be difficult and at times frustrating. The practice directions will provide guidance in certain aspects of the development process. There is perhaps a need to produce a single document that the ordinary person (without a legal background) can understand.</p>
<p>Assessing Separate Elements of Development (S.102, Reg 66)</p>	<p>Allows for elements of a development to be lodged separately with different authorities and in any order.</p> <p>One element of a development can often have an effect on another element so will need to ensure all elements are clearly shown on the portal. If a development is to have several elements (particularly if assessed by different authorities) a site plan showing all elements of the development should form part of the information provided for each element to ensure the impact of the full development can be determined.</p> <p>Allowing building consent to be issued before issuing planning consent may result in unnecessary increases in timelines, and perhaps frustration, if there are issues in relation to the planning rules. This may be more prevalent where there are a number of elements being assessed by different authorities.</p>
<p>Sch 3 Additions to definition of development</p>	<p>8 Display of advertisements</p> <p>This should capture the change of an advertisement from one relating to a lawful use, to an unrelated 'third party' purpose.</p> <p>Provisions relating to third party advertising should also be included in the Planning and Design Code, and generally not be supported.</p>
<p>Sch 8 Plans</p>	<p>Current certificate of title should be provided with all development applications to confirm land ownership, allotment boundaries and the presence of easements, land management agreements or other relevant information.</p>