

28th February 2019

RECEIVED

01 Mar 2019

DPTI

Department of Planning, Transport and Infrastructure

By email: DPTI.PlanningEngagement@sa.gov.au

Dear Sir / Madam

Re: Submission on the Planning Development Infrastructure Draft Regulations

Thank you for the opportunity to make a submission on the *Planning Development Infrastructure Draft Regulations* and associated Practice Directions.

I have considered the paper and provide the following comments.

Specific clauses

3E – change in classifications should have a time limitation on use – clarification on change in classification approvals i.e. Minister’s Specification is rather detailed and only level one building surveyors or level two should be the only ones to assess the change in use otherwise there is an increased risk of significant inconsistencies around ‘change in classification’ building uses.

3G – There appears to be a double up of swimming pool legislation between the regulations and schedule, the difficult nature to regulate portable temporary pools etc. should be explored in a practice direction realised i.e. if a pool is taken down for a year does that fence need to be reinspected each time the pool is put back up?

22 – I raise concerns regarding the monitoring of accreditation levels - i.e. if a level 4 planning accredited professional a minor variation, who actually monitors and enforces this? There are similar issues with BS accreditation, what’s preventing a practitioner from acting outside of their accreditation level – customer pressure will encourage this to occur.

22 – Land surveyors don’t appear to have any accreditation level in the scheme, also this appears to be another unnecessary step in the process when they can only issue a land division consent – do these levels add greater industry confusion and has there been work to determine the community/industry benefit?

22 – How do the regulations intend to take into account dual qualified practitioners, will the scheme be upgraded or revised to recognise dual practitioners or will accreditations run in tandem?

31 – Base line documentation for applications appears extensive and if a relevant authority is to deviate then justification is required – appears additional administrative red tape/process especially when associated with low risk applications i.e. minor residential

99(3) – why does this clause exist, if councils are ultimately responsible will this result in ‘double checking’ and additional red tape.

35 – Notification of acting should also apply to planning consultants – stop customers from shopping around

- There needs to be a system in place to ensure the degree of shopping around for a desired outcome from private practitioners is minimised or eliminated. If this is not managed there is a risk that practitioners will find themselves pitted against others who ‘interpret’ the rules for the best client outcome.
- This practice does not create a highly skilled or valued profession.

35 – 5 business days to determine application – and if it is approved it in that time frame, uploading of documents appears to be double handed.

36 – 10 days to request information – does this discourage the lodgement of partial application? What if the application is being dealt with over a long period of time as some BRC applications take months to deal with it’s not just planning consents which can take time to resolve.

Nonlinear nature of a dynamic approval system (56)

Juggling between consistency checks from planning and building takes significant time – a linear approval system works well and it is a rare case for a BRC to be finalised prior to planning consent due to the way developers and builders produce or commit to the overall design. There might also be case for a developer seeking building rules and then presenting a case at the planning consent that results in a change in design details – this will incur significant additional costs therefore the planning consent should be granted first.

Notice to adjoining properties

The State system should manage this, too many variables when it undertaken by multiple parties.

Signs on land subject to certain developments (52)

This should be limited to where it gains the most public benefit, regional highways and suburban areas appear to add little consultation value – CBD only?

State’s E-planning system

The system should manage all application-related tasks or councils will need double up systems – i.e. ESP’s, inspections and notifications.

Practice direction (planning conditions)

This appears to be only planning related i.e. 4 c – recommend that clarification be made to encompass building rules conditions.

Practice direction (DtS) planning conditions

This document contradicts the general planning condition document where many of the conditions are now design by condition – I don’t think this is a fair or balanced system.

Exempt development

1. Maximum height should be specified for tree houses
2. Demolition – dust and noise mitigation? Monitoring and policing of partial demolitions, two or more storey buildings etc. capture of heritage items? Demo already exempt from planning consent, will safe work SA have the ability to action community concerns regarding demolition work? Will confusion exist between partial and full demolition approvals?
3. Exemptions should be listed for roof mounted AC units not above the roof line

ESPs

Forms should be managed online and greater options for expiations and enforcement should be explored. The onus for ESP management should be placed on the building owner and industry could drive the process through insurance renewal requirements which would require form 3 completion prior to coverage.

The system should record data in one central location so that registered practitioners can access previously issued ESP and note existing performance solutions.

General comments

Statement of compliances for class 1a's – I'm unsure of the intent or purpose of the additional administrative paperwork. Whilst it would round out or capture the end of application data, I question if this isn't something the portal could issue through automation? (That is, if it is an essential requirement)

Overall cost of the system appears extensive and the increase in fees should be referenced against community benefit. The system is ultimately there to serve the community so it should do this in an efficient and adaptive way; the system should not be self-serving. The system should also be simple and effective in its implementation. Whilst industry practitioners are coming to terms with the significant changes, engagement processes should be held with the general community, builders and other end users to ensure the system is easy to use, understandable, fair and equitable.

Yours sincerely



Jeff Shillabeer

Phone: [REDACTED]

Email: [REDACTED]

Registration PC106