

1 March 2019

RECEIVED

01 Mar 2019

DPTI



Yup Yup Labs  
35 Eighth Street  
Bowden SA 5007

Sally Smith  
General Manager  
Planning and Land Use Services  
Department of Planning, Transport and Infrastructure

Email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

Dear Sally,

RE: GENERAL REGULATIONS CONSULTATION

I write in response to the public consultation of the general regulations

### **Records management requirements**

Section 51(6) of the Act provides an exemption to the SA Planning Portal from the requirements of the State Records Act 1997, the consequence of this exemption allows the Chief Executive to specify requirements, protocols and guidelines detailing how documentation will be handled.

Whilst not a product of the regulations, these requirements, protocols and guidelines will be key for Councils to understand their record keeping requirements, particularly where hard copy documentation is provided to a Council for digitisation and upload to the SA Planning Portal, as this may create an official record when the applicant furnishes the Council with the hard copy application.

We look forward to the department releasing ahead of July 2020, the requirements, protocols and guidelines for records management.

### **Access to Information - Freedom of Information management**

Similarly Section 55 of the Act excludes the SA Planning Portal from the remit of the Freedom of Information Act 1991. Since the drafting of the Act, the SA Planning portal has changed in nature from a clearinghouse of Development Applications to an integrated assessment tool. This shift means that all assessment details, notes and details for each development application assessed across the State will be contained within the portal.

The wording of Section 55 means that these Development Applications will not be subject to Freedom of Information requests as is the current practice.

Whilst the point of this consultation is not to change the Act, it does provide an opportunity, subject to the appropriate scrutiny of Parliamentary Counsel, to define how requests for information relating to development applications will be handled.

This could, for example, include an expansion of the criteria contained within the Application register (Regulation 126) to include a copy of the approved plans and a copy of the assessing officers assessment record.

This would serve a similar purpose by demonstrating how an assessing officer reached a conclusion on the key criteria of the application.

### **Mandatory inspections**

Section 144 of the Act describes that the commission must issue a practice direction requiring Council's to carry out inspections within each Council area.

Whilst this practice direction has not yet been made available for public consultation, I would like to draw your attention to the body of work recently produced by the South Australian Department of Energy and Mines focusing on the energy efficiency of new housing stock.

Principally this body of work, produced at the request of the Council of Australian Governments (COAG) highlights the failure of new dwellings to meet the as built requirement of six star energy efficiency.

Whilst the reasons for failure are numerous, a key finding of this work (linked below) highlights that building authorities should introduce mandatory energy efficiency inspections to ensure that new dwellings are built to the specification they were approved to meet. Much the same as a framing inspection will check to see that say, truss tie downs have been installed, the role of the energy efficiency audit would be to confirm that the new building is airtight, insulation installed correctly etc.

The inclusion of mandatory energy efficiency inspection could start at say 1 in 20 Class 1a buildings and could increase over time reflecting the limited resources Council have at their disposal and recognising the urgency of new housing stock meeting energy efficiency requirements.

This should be complemented by appropriate training for Building level 4 Accredited Professionals to ensure they are aware of the key issues which cause a new building to fail an energy efficiency audit.

Kind regards,

Chad King  
Director  
Yup Yup Labs Pty Ltd