

Sally Smith
General Manager, Planning and Development
Department for Planning Transport and Infrastructure

17th October 2018

RE: ASSESSMENT PATHWAYS DISCUSSION PAPER

Dear Sally,

Thank you for providing the UDIA (SA) with the opportunity to comment on the Assessment Pathways discussion paper as part of the current planning reforms consultation process. The UDIA is a member-based organisation representing the urban development sector. Our members include developers, planners, surveyors, architects and many other representatives across the South Australian property industry. Many of our members have a very real understanding of the urban development and planning system. They recognize the importance of having clear assessment pathways to reduce confusion and increase certainty around the decisions being made in our planning system.

Classification process

The UDIA notes the new categories of code-assessed and impact-assessed development, and the use of sub-categories. We do, however, strongly caution the need for clear and explicit guidance around precisely which developments will fall into which categories or sub-categories. There must be a process for classification of irregular developments, particularly those that are mixed-use or those that would ordinarily be non-complying however have ancillary merits that render them acceptable. We would like to understand what the process will be for categorising unique developments that are less straightforward.

From a recent DPTI-run workshop, the UDIA understands that prior to the application being allocated to the relevant authority, there will be some process of pre-categorisation upon it being electronically submitted. The UDIA wants to understand how an application will be assessed at this early point, given the possible negative outcomes further along the process should the nature or category of a development be determined incorrectly. Much more detail is needed around this pre-categorisation of each development application.

Notification process

The UDIA notes the introduction of 'signage on land' as a new notification requirement. This change from placing a notice in a local newspaper is supported by the UDIA, as this reflects modern communication realities. However, we would raise the point that there needs to be clarification on who is responsible for placing the sign and the specifications around the sign itself.

This should be undertaken by the Relevant Authority rather than the applicant to avoid procedural issues in undertaking public notification of applications.

Categories of development

The UDIA notes the change in categories of development, however cautions the reliance upon some of the principles to be considered in assigning an assessment category to an application that requires greater scrutiny. In particular, the four impacts outlined in the last dot-point on page 22 provide a huge amount of discretion in influencing how a development will be categorised. The use of these to categorise a development should be transparent as any of these could potentially be used to ultimately reject an application based upon personal preference despite being a reasonable development that would be accepted if classified based on a clear list of criteria.

Deemed consent mechanism

We support the continuation of the 'deemed consent' mechanism (pg10), which we hope provides an incentive to councils to maintain efficient application determination processes. However, there is a danger that it may have the opposite effect of triggering a default rejection as a reaction to more complex applications as councils feel pressured to make decisions within the timeframe. An appropriate mechanism needs to be in place to ensure this does not occur.

Request for additional information and timeframe

The UDIA notes the introduction of restricting the number of times a relevant authority can request additional information. While this has merit in ensuring stalling doesn't occur on the basis of not enough information, there will need to be more detail provided around how the 'Clock stop' periods be monitored, and what the enforcement mechanism will be to ensure the relevant authority will abide to deadlines. (p14)

Role of assessment manager

The assessment manager role will naturally attract greater responsibility and thus have greater exposure to liability issues that may arise from a decision resulting in an unfavourable outcome. More information is needed on how liability for incorrect decisions will be managed between assessment managers and accredited professionals who have been delegated the power to make those decisions.

Design review

Further information is required on what stage of the assessment pathways process design review occurs, who will determine if it complies and who design panels will be comprised of. Consistency of decision-making is necessary and also requirement for flexibility in case-by-case analysis of an application.

The UDIA will prepare a revised submission in the coming week that specifically addresses the various questions raised throughout the Assessment Pathways Discussion Paper.

Once again we appreciate the opportunity to comment and look forward to receiving a response to the points raised above. If you have any questions, please do not hesitate to seek further clarification.

Yours sincerely,

Pat Gerace
CHIEF EXECUTIVE