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Feedback from the City of Campbelltown for the:

Assessment Pathways Technical Discussion Paper

Relevant Authorities

1. Code assessed applications are assigned to an assessment panel, except where the regulations assign an assessment manager or accredited professional. What should be considered when assigning these relevant authorities?

- Complexity of the application
- Whether public notification is required.
- Whether the use is envisaged in the zone.
- Accredited Professionals should be limited to clear deemed to comply applications.

Assessment Categories

2. Should the current scope of 'exempt' development be expanded to capture modern types of common domestic structures and expected works?

Yes. Fence retaining wall combinations up to 2.1m. Porous above fence screening up to 3m. Children's cubby houses which can be issues because they are not identified and technically need to be assessed as domestic outbuildings. Air conditioning units should be included so that criteria in regard to distance away from habitable rooms can be included and if this not achieved then would need to be assessed.

3. Should the current scope of 'building consent only' development be expanded to allow for more types of common development with minor planning impacts?

Staff consider that the current building consent only inclusions are adequate.

4. How should the scope of a 'minor variation' to deemed-to-satisfy development be defined?

No variations should be considered in 'deemed to satisfy' as any defined acceptable variation then becomes the norm rendering the deemed to satisfy standard meaningless. Any variations need to be performance assessed.

5. Are there some elements of a project that should always be notified if the deemed-to-satisfy criteria are not met (e.g. buildings over height)? Are there other things that don't matter as much for the purposes of notification?

Any elements which will impact the neighbouring properties, (eg. overshadowing, privacy, extent of boundary walls) should be notified.

6. What types of performance assessed development should be assessed by an Assessment Panel?

Hard to be definitive given we don't know what types of development will be performance assessed. Beyond this, publicly notified development, development which is likely to have a substantive impact beyond the site. Development which is substantially different to the

existing character of the locality. Any form of medium density/high density residential development

7. What types of principles should be used when determining 'restricted' development types in the Planning and Design Code?

- Whether a land use is compatible with the intent of the zone.
- Extent of possible impacts such as pollution,
- Possibly the size and extent of a land use which at a smaller scale may be appropriate.

8. How should restricted development be assessed? What other considerations outside of the Code should be taken into account?

- Should be assessed very carefully.
- Impact Assessed Development should include a formal referral to the local authority.
- Subjective amenity impacts, wider traffic impacts.
- Native Vegetation Act, Bushfire impacts, other relevant legislation

9. What scale of development and/or impact types would be suited to the impact assessment (not restricted) pathway?

- Developments of economic significance to the State.
- Development in sensitive environmental areas.
- Development of a significant scale at a state or regional level.

Public Notification

10. Should accredited professionals/assessment managers have the capacity to determine publicly notified applications?

Assessment Managers only where no representations have been received. Not Accredited Professionals (Private Certifiers).

11. Who should be responsible for placing a notice on the subject land?

The applicant/owner at their expense and to a specified standard.

12. How would that person/body provide/record evidence of a notice being placed on the land throughout the specified notification period?

- Statutory Declaration.
- Time stamped photographic evidence.

13. For how long should an application be on public notification (how long should a neighbour have to provide a submission)? Should a longer period apply for more complex applications?

- 10 business days.
- Not for performance assessed, possibly for restricted or impact assessed (two extra weeks).

Public notification needs more nuance than a single limited and short option – tailored local simple and longer broader complex options needed relative to scale and complexity of development.

Signage on the subject site should be an identified requirement for all forms of public notification.

Provision of Information

14. What type of information should be submitted with deemed-to-satisfy applications? Are the current requirements in Schedule 5 of the Development Regulations 2008 sufficient/too onerous?

Current requirements are barely sufficient, these standards need to apply all to applications. Information needs to include everything that is required to assess the application. Things that are currently not specified should be required like overshadowing impacts, traffic and manoeuvring, parking, detailed landscaping plans on all multi story, multi dwelling and non-residential development.

Assessment Categories

15. Should relevant authorities (including accredited professionals) be allowed to dispense with the requirement to provide the mandatory information listed by the regulations/code/practice directions?

No.

16. Should a referral agency or assessment panel be able to request additional information/amendment, separate to the one request of the relevant authority?

Yes this would be important as they have not been responsible for preparing the application prior to its presentation, the request for information should only be for matters pertinent to a proper assessment of the application.

17. Should there be an opportunity to request further information on occasions where amendments to proposal plans raise more questions/assessment considerations?

Yes this very important.

Support a 'Design review' process in respect to larger and complex 'classes' of development

Outline Consents

18. How long should an outline consent be operational?

3 months.

19. When, where and for what kind of development would an outline consent be appropriate and beneficial?

Larger scale envisaged land uses

20. What types of relevant authorities should be able to issue outline consent?

Assessment Managers, Panels and State Planning Commission.

Referrals

21. What types of development referrals should the regulations allow applicants to request for deferral to a later stage in the assessment process?

This seems like an unnecessary complication, which would confuse the process and just delays the inevitable. However if it was deemed appropriate it should be restricted to referrals which are not likely to change fundamental aspects of the design.

Preliminary Advice

22. The Act stipulates that preliminary advice may be obtained from agencies. Should there also be a formal avenue for applicants to seek preliminary advice from the relevant authority?

Yes, provided that information is sufficient and that the process requires stamped plans so that there is no confusing over which plans were considered in preliminary advice.

23. Should there be a fee involved when applying for preliminary advice?

Yes

Decision Timeframes

24. How long should a relevant authority have to determine a development application for each of the new categories of development?

- Accepted Development 2 weeks. (this could be shorter dependent on what is required to confirm an accepted development in the e-planning system)
- Deemed to Satisfy 4 weeks (based on there being no variations to the deemed to satisfy criteria).
- Performance Assessed 12 weeks excluding public notification, additional information, referrals.

25. Are the current decision timeframes in the Development Act 1993/Regulations 2008 appropriate?

Generally yes

Deemed Planning Consent

26. Should a deemed planning consent be applicable in cases where the timeframe is extended due to:

- a referral agency requesting additional information/amendment.
- absence of any required public notification/referral.
- any other special circumstances?

No deemed consents should only be applicable to accepted development which is clear and there can be no confusion about the process timing or decision.

27. What types of standard conditions should apply to a deemed consent?

- Built in accordance with approval
- Site management
- Landscaping
- Stormwater disposal

- Privacy
- Adherence to Council standards with relation to Council assets in the public realm

Conditions and Reserved Matters

28. What matters should be addressed by a practice direction on conditions?

Standard wording for basic conditions, which are used broadly.

29. What matters related to a development application should be able to be reserved on application of an applicant?

Stormwater Management

Consents relating to other legislation

Adherence to other technical standards which don't impact the design such as acoustic reports

Variations

30. Should the scope for 'minor variations' - where a new variation application is not required - be kept in the new planning system?

Yes but it needs to be clear that variations post approval should only be cosmetic in nature, which create no additional impacts beyond the site. Minor variations should not change the category.

31. Should a fee be required to process 'minor variations'?

Yes

Crown Development and Essential Infrastructure

32. What types of Crown Development should be exempt from requiring approval (similar to Schedule 14 under the current Development Regulations 2008)?

Staff consider that Crown Development which is exempt from approval works reasonably well in the current system.

33. Are there any other forms of development/work that should be included in the definition of 'essential infrastructure'?

The definition should clarify that temporary storage and depots required for the work being undertaken are included as exempt development. Consideration should be given to requiring proponents of this work to consider and provide activity plans to minimise impact on neighbouring property owners and occupiers particularly in built up areas.

Consideration should be given for the clear inclusion of infrastructure for the provision of broadband internet and future iterations of data transfer to properties.