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DPTI

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17 October 2018

Department of Planning, Transport & Infrastructure
Planning Reform Team
GPO Box 1815
ADELAIDE SA 5001

Via email DPTI.PlanningEngagement@sa.gov.au

Dear Sir/Madam,

Assessment Pathways

In reference to the DPTI Assessment Pathways Discussion Paper, the Mid Murray Council provides the following comments for consideration in particular to the implications this proposal may have on regional Councils.

1. Relevant Authorities

- Consideration to allowing an Assessment Manager (or its delegate) to be the relevant authority on an application that was publicly notified, but no representations are received.
- Supportive of all applications with representations being considered by the CAP.

2. Assessment Pathways

- No concurrence required with Council for restricted development. If not, Council should be involved as a referral body.
- Restricted Development not bound by the Planning and Design Code. What will an application be assessed against?
- An 'element' of an application must be clearly identified when dealing with new 'hybrid' assessments. Is an 'element', for example, a dwelling, a shed or a setback, a building height.
- Deemed Consents – problematic if an application needs to go before a Panel and the Panel only meet monthly. Needs to be some sort of mechanism to allow for this.

3. Public Notification

- The public notice needs to clearly identify what is being notified e.g. what components are considered 'deemed to satisfy' and should not be considered in any representation.
- The requirement to place a sign on the land may give rise to some issues, particularly in the regional areas, e.g. sign on a fence on a farming property is unlikely to be noticed by anyone given the size of rural properties.

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- There should be an option as to who places the sign on the land, either the applicant or the Council and Council should be able to collect a fee for undertaking such work.
- Photographic evidence along with some form of declaration should be required to confirm the sign is in place.
- Penalties should apply for a sign that is removed during the time of notification. The fine needs to be such that it acts as a deterrent to future offenders.
- Some concern that the system promotes better public notification/involvement, however removes the right to appeals (in some cases) and presentation to a Panel.
- Supportive of the clarification of adjoining land owner.

4. Provision of Information

- A referral agency should be permitted to request additional information over and above the request from a relevant authority, particularly given the referral body is providing specific, technical advice that may be fundamental to the assessment of an application.
- If an application is amended or varied throughout the assessment process (possibly because of a third party representation and potential compromise) then additional information may be required to be requested for a second time if the amendment gives rise to a new issue.

Overall, Council staff are generally supportive of a new system that provides for streamlining and consistency of processes.

I thank you for your consideration of Council's comments and commend DPTI staff for the amount of work that has gone into this process so far. Please do not hesitate to contact me via either telephone on [REDACTED] or via email at [REDACTED] to discuss this matter further.

Yours faithfully,



Jake McVicar
Director – Development & Environmental Services

cc. Stephen Smith – Director, Policy
Local Government Association
[REDACTED]