
From: Smith, De-Anne (DEW)
Sent: Wednesday, 17 October 2018 11:27 PM
To: DPTI:Planning Engagement
Subject: DEW comments on Performance Indicator and Assessment Pathways Discussion Papers [DLM=For-Official-Use-Only]

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Thank you for providing the opportunity to review the three Papers whose consultation period closed today. Department for Environment and Water staff have taken the opportunity to review and provide comment on the *Performance Indicators Discussion Paper* and the *Assessment Pathways: How will they work? Discussion Paper*. Comments are as follows:

Performance Indicators Discussion Paper

On 7 June 2018 DEW provided DPTI with comments on performance indicators, those comments are still relevant to this Discussion Paper. In addition to those previous comments DEW consider there may be benefit in tracking what zones development is happening in so that we can better monitor things such as residential growth rates against targets.

Assessment Pathways: How will they work? Technical Discussion Paper

The Discussion Paper provides the first opportunity to get a better understanding of how development assessment will operate under the new planning legislation. The following comments respond to matters in the Paper that are relevant to DEW:

- Section 3.5.1 (page 35) in response to Question 7 it may be appropriate to use thresholds to determine when a development might be categorised as restricted.
- Page 44 (Questions 16 & 17) DEW considers that referral bodies should be able to make separate requests for further information where the development application does not include adequate or appropriate information for a proper assessment. DEW also considers that if the proposal is amended then there should be a further opportunity to seek additional information if assessment considerations have changed.
- Section 5.1 (page 45)
- Section 5.4 (page 46) details the new process where an applicant can choose to defer a referral to a later stage of the assessment process, provided it is allowed by regulations. DEW considers that deferring referrals could result in situations where a planning consent is given and expectations are raised and then a referral body directs refusal. Relevant authorities may also want to consider a referrals bodies 'expert' advice when it is making a decision, especially if that expertise is not otherwise available to the relevant authority.
- Section 5.5 (page 46) it is unclear when in the process referral bodies would get the referral fee if preliminary advice is provided. Given preliminary advice involves the same level of assessment and decision it should have the same referral fee prescribed and ideally that fee would be paid at the time of the assessment.
- Section 5.6 (page 47) DEW supports retaining 6/8 weeks for referral bodies, with the length of time depending on the referral. River Murray referrals for example require 8 weeks in order to consult across agencies.
- Section 5.7 (page 48) how will deemed planning consents apply to applications that are referred for direction? Deemed planning consents shouldn't apply in circumstances where referral bodies have requested further information as relevant authorities may want to consider referral bodies expert advice as part of its assessment.
- Section 5.8 (page 49) under the conditions paragraph there is no mention of conditions directed by a referral body.

- Section 8.2 (page 56) DEW is keen to understand what circumstances the Planning Minister would use the EIS direction powers. Is it that the Planning Minister would consider the development application and then make a declaration that it is too significant to follow the section 131 Crown development process?
- Question 32 (page 57) DEW supports the carrying over of the exemptions currently in schedule 14. DEW would like to work with DPTI to review schedule 14 to confirm the appropriateness of those exemptions and to determine if any additional exemptions are required.

DEW also makes the following general comments:

- How will the assessment process work for the deemed to satisfy component of restricted development?
- The document talks a lot about scale but not intensity, intensity has different impacts to scale and should be recognised separately.
- The risk assessment shown in Figure 6 (page 37) should apply to all assessments.

If you have any questions in relation to these comments please don't hesitate to contact me on [REDACTED].

Regards

De'Anne Smith

Principal Planning Officer

I am only in the office on Wednesday and Thursday.

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