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Ms Sally Smith
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Via email: DPTI.PlanningEngagement@sa.gov.au

Dear Sally

Planning, Development & Infrastructure (General Development Assessment) Variation Regulations 2019

The Housing Industry Association (HIA) appreciates the opportunity to provide feedback on the Planning, Development & Infrastructure (General Development Assessment) Variation Regulations 2019 and congratulates the work undertaken to provide a more efficient planning system with a focus on enabling economic growth opportunities to achieve greater prosperity for all South Australians.

HIA understands the importance that the over-riding objective of the new system is to simplify the current system and rationalise the overwhelming plethora of often conflicting policies in a clear and concise way to encourage confidence and certainty in a more streamlined and easily understood system. HIA is concerned that some aspects outlined in these Draft Regulations may not contribute to this objective and could likely result in greater complexity and less certainty.

HIA is concerned that the absence of the related Codes and Practice Directions make meaningful commentary difficult.

Many critically important issues to the residential building industry such as mandatory inspections, deemed-to-satisfy conditions and water sensitive urban design, although called up in the draft regulations, are not supported by any Codes or Practice Directions.

Detail around which assessment pathway developments will be directed to is also absent and is key to the success or otherwise of the Planning Reform system.

Until more detail is provided, critical analysis of the Draft Regulations is difficult.

HIA maintains that one of the overarching principals of the Planning Reform process should be that any new initiatives should not come at the cost of a negative impact on housing affordability. To ensure this is achieved, a Cost Benefits Analysis should be undertaken as a priority to identify the impact of any initiative on residential building and land supply costs.

HIA has provided more detailed commentary on the most concerning aspects of the Planning, Development & Infrastructure (General Development Assessment) Variation Regulations 2019 in the attached submission.

Yours sincerely



Stephen Knight
EXECUTIVE DIRECTOR
South Australia

Attach.



SUBMISSION BY THE
Housing Industry Association

Department of Planning Transport and Infrastructure

HIA comment on the
Planning, Development & Infrastructure
(General Development Assessment) Variation Regulations 2019
Guide to the Draft Development Assessment Regulations and
Practice Directions

1 March 2019

HIA is the leading industry association in the Australian residential building sector, supporting the businesses and interests of over 60,000 builders, contractors, manufacturers, suppliers, building professionals and business partners.

HIA members include businesses of all sizes, ranging from individuals working as independent contractors and home based small businesses, to large publicly listed companies. 85% of all new home building work in Australia is performed by HIA members.

Introduction

The second to last paragraph (page 3) of the “Introduction” states that the Housing Industry Association was included on the Building Regulations Working Group, that statement is incorrect.

Relevant Authorities

The Guide discusses the role of Level 4 accredited professionals. Level 4 Building Inspectors are authorised to inspect Class 1 & 10 buildings. HIA would recommend that the qualifications for Level 4 should commence at Cert IV level, the same level as Building Works Supervisors whom oversee and sign-off on construction of all Class 1 & 10 buildings.

Application Time Frames

The main aim of the Planning Review was for a simpler and more efficient planning & building assessment process. The times outlined in the Proposed Assessment Time Frames Fact Sheet have generally been undermined by the 5 business day’s verification period. With exception of the Deemed to Satisfy and Performance Assessed, the remainder have not achieved a speedier consent process.

Note * Residential development on land previously used as residential should not require a declaration on potential soil contamination.

Public Notification

The Draft Regulations propose the placement of a public notice (not less than A2 in size) on the sites that do not trigger a deemed to satisfy (DTS) approval.

There are two levels of assessment between Deemed to Satisfy and Performance Assessed where Public Notification is required, which is generally at the discretion of the approving authority.

There will need to be further guidance in the proposed Design Code.

Regulation 53 (1) prescribes the period of notices (time-frames around notifications and responses).

Exempt Development

4 Sundry Minor Operations

Retaining walls not exceeding 1m in height combined with a fence where the total height does not exceed 3.1m measured from the lower adjoining ground level, will be exempt from approval. A 3.1m high structure in a high wind zone in sandy soil is a disaster waiting to happen – dangerous.

Renewable Energy Infrastructure is exempt when attached to council and community buildings. Why? Are their supporting structures built different to other buildings?

Building Regulations

A range of additional expiation fees have been added and amounts increased to enable councils to ensure compliance. (Care needs to be exercised by councils using the income raised through failures to notify as a “cash cow” where there is no intention of inspecting).

Notifications During Building Work

Draft Regulation 99. The regulation lists commencement and completion as standard notifications for all building work, and the remainder as “Specified by Council”. Although there will be a Practice Direction / New Inspection Policies as guidance material for councils, there is a real danger of inconsistencies from 68 councils.

The variation of 1 business day notice in the metropolitan area and 2 business days in areas outside of the metropolitan area is confusing for industry in determining the boundary. Especially as industry will be expiated for incorrect notices. GRO Plan 639/93 (as defined) is not always easy to find. A completed list of council areas in or out of the metropolitan area MUST at least be required.

Certificates of Occupancy

Certificate of Occupancy to be applied to Class 1 a Buildings. Owner and occupiers need to be able to ensure their house is fit for habitation. The building work undertaken by the builder against approved plans often results in external works – stormwater, paving, rainwater tanks and the like being left uncompleted.

There is a need for a staged Certificate of Occupancy allowing the house to be occupied (when fit for habitation) leaving the external works for completion by the owner within the 3 year completion requirement.

Statement of Compliance

As outlined above, where the building work shown on the approved plans may be completed by the builder in relation to the actual building, but the owner or other parties may complete external works such as paving, stormwater & rainwater tanks etc., there may be a need for staged Statement of Compliance.

HIA Comment on Practice Direction – Deemed Planning Consent – Standard Conditions 2019

Standard Conditions Deemed Planning Consent

Landscaping	A detailed landscaping plan anticipated by the Planning and Design Code “must” exempt Class 1 detached dwellings.	Unfair & Not Supported on Class 1a dwellings
Air Conditioning /Plant /Equipment	Any roof mounted or external air conditioning, plant or equipment must be screened such that no unreasonable nuisance or loss of amenity etc. This requirement “Must” exempt Class 1 detached dwellings from this requirement especially as evaporative air conditioning is the most energy efficient form of cooling.	Unfair & Not Supported on Class 1a dwellings
Stormwater	Stormwater is a National Construction Code matter and “must” be removed from Planning, especially Class 1 detached dwellings.	Not Supported
Construction Management	Define “Commercial” sites	
Waste Management	Define “Commercial” sites	

Privacy	Where applicable. The description of where the application proposes a building of 2 or more stories on a site adjacent to a zone which envisages residential development, certain shielding is required. Will this be a condition applicable to all dwellings within a residential zone including multi-storey Class 2 developments adjoining multi-storey Class 2 development – very restrictive on design?	Not Supported
Swimming Pool	Swimming pool pumps must be enclosed in structure designed to reduce noise but still be at least 5m from a dwelling. Very restrictive requirement for small lot housing, especially as lap pools and spa bath/pools would be included.	Unfair and not supported residential sites
Land Division	Prior to clearance being granted for Land Division – all existing buildings, deleterious materials such as concrete slab, footings, retaining walls, irrigations pipes and rubbish must be cleared to the reasonable satisfaction of the relevant authority. This will have a huge impact on industry including holding costs for owners whom may wish to remain in their home whilst seeking all necessary documentation and approvals for future development.	Unfair & Not Supported

HIA Comment on Advisory Notices

Site Contamination

Continual monitoring of soil conditions and appearance must be undertaken during any sites works, etc. Upon completion of all earth works, a statement from an appropriate qualified person must be submitted to the Relevant Authority confirming the completion of the remedial works. This requirement has large cost implications on industry and is unnecessary on residential class 1a sites. The EPA have also advised industry on residential sites such monitoring is not required.

Not Supported

Compliance required with other polices /acts

Compliance with the Environmental protection (Noise) Policy 2007 is no longer the appropriate legislation – now Local Nuisance and Litter Control Act 2016.

Construction Management

All council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc.) that is demolished, altered, removed or damaged during the construction of the development must be reinstated to council, utility or state agency specifications. All costs associated with these works must be met by the proponent. Although it is agreed that council or state agency infrastructure damaged (by the Builder or their representatives) during construction must be reinstated to appropriate specifications, it is unreasonable and unfair, to expect and unlawful possibly invalid to require the builder or the proponent to cover costs occurred by unknown parties.

Section/ Clause	New/Old	Good/Bad/?	Comment	Suggested change
PDI (General) (Development Assessment) Variation Regulations 2019				
Reg 22	New	Good	The Draft Regs envisage surveyors acting as the relevant authority for some land division applications (deemed to satisfy). The utility of this will depend on what is specified in the Planning and Design Code. (NB check draft Code for OoC Areas)	Support as drafted
Reg 53	New (existing timeframes vary - see Schedule 8)	Bad (could be improved)	30 business days for a referral agency to comment is excessive particularly in the context of the 20 day period that a relevant authority has to assess a performance assessed development. If applications can be assessed in 20 business days why should referral agencies have longer?	Reduce referral timeframe to 20 business days

Reg 73	Old (Dev Reg 48)	Presently neutral but could be improved	The Draft Regs retain the standard timeframes for implementing an approval. The government should consider extended operative periods for large developments to ensure they cover the reasonable life of the project. The 12 month period for substantial commencement is arbitrary and places unnecessary pressure on projects.	Extend timeframes to allow: <ul style="list-style-type: none"> • 2 years to substantially commence any development; • 2 years to commence and 5 years to complete any development with a build cost of \$10M or over; • 5 years to complete any land division for the creation of 50 allotments or more;
Schedule 8, Clause 2 (site contamination audit for residential development)	New (presently applies to Res Code - Schedule 4)	Bad	<p>The Draft Regs propose excessive requirements for up front auditing where site contamination is suspected. Similar provisions exist for Res Code at present but it is proposed that this would apply to essentially any residential development.</p> <p>A site contamination audit report is a significant and expensive exercise which will often be unnecessary even when site contamination is suspected. It is taking a very conservative approach with the aim of mitigating risk completely on sites where investigations might point to the site being low risk. The timing of the requirement is also</p>	The timing and rigidity of this requirement needs to be considered. The better approach is to enable the use of conditions on an approval requiring a level of investigation commensurate with the level of risk. The clause should be deleted and the issue dealt with in the Practice Directions for conditions.

			unreasonable in that applicants are being asked to produce a potentially very expensive report prior to a decision on whether the application warrants approval in the first place.	
Reg 82	Largely existing (Dev Reg 29)	Bad (could be improved)	This gives the SPC 30 business days to provide its comments on a land division application plus any further time the SPC determines. Essentially a "blank cheque" for additional time for SCAP on a land division. This is important as a land division cannot be approved until the SPC comments are received. (This presents a level of uncertainty that the business cannot plan around)	Give the SPC 20 business days to comment but no additional time - ie if no comment within that timeframe it should be assumed that the SPC doesn't wish to comment.
Reg 85 (SA Water Statement of Requirements)	New (amends Dev Reg 118)	Bad	A land division is required to be undertaken in accordance with the requirements of a water industry entity (SA Water). The SA Water Statement of Requirements is valid for only 40 business days (presently 60 days). It is not clear why it is such a short period. The risks are twofold:- firstly the SA Water requirements could change part way through a project and secondly there is a fee to pay every time an updated assessment is required.	The Statement of Requirements should be valid for a longer period, in the order of 12 months having regard to typical timeframes for undertaking this work as part of a land division.

Reg 93	New	Good	<p>The adoption of an approved model for bonding agreements. This should be strongly supported.</p> <p>The issue will be whether Councils accept the Minister's approved model. Consideration should be given to whether a Council should be obliged to accept a bonding agreement that adopts the approved model. (This would certainly be helpful rather than the current situation where we are having to work across multiple versions of bonding agreements between all the Councils. Despite their being an existing LGA standard form template of bonding agreement most Councils modify that form of agreement to suit their specific agendas. I would suggest that the development industry should have a voice in the drafting of this document to ensure that it meets with our needs and addresses some of the challenges we face with current bonding agreements.)</p>	Consider changes so that councils are obliged to accept a bonding agreement that adopts the approved model.
Reg 99 Notification during building work		The regulation lists Commencement and Completion as standard notifications for all building work, and the remainder as "Specified by Council". Although there will be a Practice Direction/New Inspection Policies as guidance material for Councils there is a real danger of inconsistencies from 68 Councils.	Not Supported	

	<p>The variation of 1 Business day notice in the Metropolitan Area and 2 business days in areas outside of the Metropolitan Area is confusing for industry in determining the boundary. Especially as industry will be exiated for incorrect notices. GRO Plan 639/93 (as defined) is not always easy to find. A completed list of Council areas in or out of the metropolitan area MUST at least be required.</p>	
<p>Reg 108 Certificates of Occupancy</p>	<p>Certificate of Occupancy to be applied to Class 1a Buildings. Owner and occupiers need to be able to be sure their house is fit for habitation. The building work undertaken by the builder against approved plans often results in external works – stormwater, paving, rainwater tanks and the like being left uncompleted, because owners have chosen to delete such works from the builders contract. There is a need for a staged Certificate of Occupancy allowing the house to be occupied (when fit for habitation) leaving the external works for completion by the owner within the 3 year completion requirement.</p>	<p>Supported</p>
<p>Reg 109 Statement of Compliance</p>	<p>Building work shown on the approved plans may only be partially completed by the builder due to contractual terms. The owner or other parties may complete external works such as paving, stormwater & rainwater tanks etc. In such cases, a staged Statement of Compliance will be required. Where an Owner Builder uses various licensed trades to complete a project, there may be a need for trade specific Statements of Compliance to be submitted to council.</p>	
<p>Schedule 4 Exclusions from definition of development – Sub section 4 (4) (b) Internal alteration of a building.</p> <p>Schedule 7 Complying Building Work (3) Alterations - same issue.</p>	<p>Clarification is required around work that “could” adversely affect the structural soundness of the building or the health and safety of any person occupying or using it. Will retiling and the installation of new fixtures and fittings in a bathroom be exempt from approval?</p>	

Section/ Clause	New/Old	Good/Bad/?	Comment	Suggested change
Schedule 4, Clause 1 (Advertising signage for land divisions)	Not proposed		Land division developers are presently required to obtain approval for any off site or directional signage marketing their estates, as well as any on-site marketing signage that exceeds 4 square metres. Additional signage should be permitted for large land divisions without the need for approval.	Include in Schedule 4 (exempt development) the erection of: <ul style="list-style-type: none"> Marketing or directional signage (of an appropriate size) on any land within 5kms of an approved division of 20 lots or over, for a period no longer than 12 months from the completion of all stages of the development (subject to appropriate carve-outs or modifications for character areas etc); A single sign on the site of an approved division of 20 lots or over of up to 8 square metres;
Draft Practice Direction - Conditions				
Draft Practice Direction - Deemed Planning Consent Standard Conditions				
Land Division Deemed Consent condition - clearance of site before titles issue	New	Bad	This condition will apply to any deemed consent for a land division where the resultant allotments will accommodate new development.	Delete

Section/ Clause	New/Old	Good/Bad/?	Comment	Suggested change
			It will require the site to be cleared of all buildings and materials (including any concrete, irrigation pipes or rubbish) prior to section 51 clearance (now s138 clearance). Conditions like this are typically invalid. They do not relate to the division and arguably do not serve a valid planning purpose. Is there any evidence to suggest that this condition is necessary?	
Draft Practice Direction - Restricted and Impact Assessment Development				
Draft Practice Direction - Notification of Performance Assessed Development Applications				
Notification on land (A2 poster)	New	Potentially bad	The Regs require an applicant to erect (or pay the Council to erect) an A2 poster (or posters) on the subject land for the duration of public notification. Concerns could arise around the practicality of A2 printing (most people would need to get it done commercially) and the fee that might be charged to get a Council to handle the process.	Enable the A2 poster to be comprised of A3 or A4 sheets.

Open Space

Issues surrounding the calculation and requirements of open space need to be reviewed, including:

1. What land can be attributed as open space;
2. Whether there should be the ability to review a decision of a Council to ask for payment of a monetary contribution rather than the vesting of land (ie taking \$\$ over community benefit);
3. Whether open space requirements should be capable of being offset and in what circumstances - as envisaged by the PDI Act;
4. Whether open space contributions should be required to be put to use in a way which benefits the locality of the development - rather than effectively being consumed into a general pool of money.

Summary of Review of Planning, Development and Infrastructure (General)(Development Assessment) Variation Regulations 2019

Three key issues are apparent in relation to accredited professional (i.e. certifier) and deemed-to-satisfy (i.e. res code complying) decisions which are likely to result in a less streamlined system than we currently have, namely:

1. The Regulations confuse the equal status common to an accredited professional and a Council in the PDI Act

The Act sets accredited professionals on an equal level to a Council, however the Regulations create numerous procedural steps which confuse the intent of the Act. For example, an accredited professional is required to notify an Assessment Panel (i.e. Council) of their engagement. Such a step is unnecessary given the role of the SA planning portal. Rather a Council, if interested or required, should download such information on an as needs basis.

See “Comment F” overleaf

The Regulations suggest that a relevant authority (i.e. an accredited professional) is to review the history of previous decisions associated with a development. This should be strictly applied to previous decisions within the same development application, otherwise an accredited professional would be tied to the history of former decisions (including those of a Council).

See “Comment K” overleaf

The base fee payment (currently \$64) should be paid to the SA planning portal when securing a development application (DA) number rather than being paid to a Council as the Council is just like an accredited professional and all applications will need to be uploaded. A payment to the Council is meaningless and unnecessary in an “equal relevant authority” environment.

See “Comment E” overleaf

2. The Regulations fail to respond to system refinements that could come from the SA planning portal

The Regulations assume a highly systematic and step-by-step process with respect to the assessment of deemed-to-satisfy development. In practice the “verification” of a complying development involves steps occurring concurrently. Therefore, providing 5 business days to “validate” an application and 10 business days to make a decision is unnecessary as the verification and assessment are one in the same.

See “Comment G” and “Comment F” overleaf

The Regulations should envisage application fee payments being made direct to the SA planning portal, and the SA planning portal should provide an automated DA number to avoid delays experienced waiting for DA numbers delivered in different formats from Councils. State-wide improvements would enable builders to gain efficiencies from adapting to one system, regardless of the Council area.

See “Comment E” overleaf

An accredited professional can be required to provide documents associated with an application to a Council in certain circumstances. The Regulations should require a Council to download these details from the SA planning portal, rather than compel an accredited professional.

See “Comment M” overleaf

3. Documentation for simple residential development applications is more complicated and does not align with standard building industry practice

The Regulations adopt a one size fits all approach to information required for residential development applications and is to be upgraded to include landscaping and materials and external finishes including walls, doors and windows. This information is unnecessary for deemed-to-satisfy applications (and is beyond the current Res Code requirements which work well). Timing issues regarding selections by clients (often made after the planning consent is granted) and the nomination of landscaping plants (which may not be of interest until after clients have moved in) highlight the lack of practicality with the Regulations coupled with a lack of any real benefit.

See “Comment R” overleaf

Additionally, the Regulations require the upload of all application documents received at the time of lodgement, which is currently not required as the application “forms” are all that is required to secure a DA number. The Regulations should enable this option to remain for deemed-to-satisfy applications as it better matches the approach of the building industry.

See “Comment F” overleaf

Specific Review of Planning, Development and Infrastructure (General)(Development Assessment) Variation Regulations 2019

Comments provided on the Regulations are in chronological order.

- COMMENT A: page 7, 4. Variation of regulation 3

“outbuilding” should be clearly defined to assist the operation of the Regulations, see for example page 102 4-Sundry minor operations

“adjoining land” should be defined to differentiate “adjacent land” and assist the operation of the Regulations and the Planning and Design Code

- COMMENT B: page 9, 3A. Application of Act (section 8)(2)(a)

“sole occupancy” should be clearly defined to assist the operation of the Regulations

- COMMENT C: page 15 to 17, 22(1)(b)(c)(d)-Prescribed scheme (section 93)

The lack of detail regarding accreditation skills, training and experience does not assist in the consideration of the Regulations.

Regulation 22 should be clear in allowing an Accredited professional – planning level 3 to also make decisions pursuant to regulation 22(d) for Accredited professional-surveyor (i.e. the division of land) and regulation 22(c) “level 4” which “comply” in full.

- COMMENT D: page 23, 31(4)-Plans, fees and related provisions

The making of a record of the reason for waiving Schedule 8 documents and information is an unnecessary requirement which adds nil to the assessment process and creates an administrative step which undermines the streamlined assessment process.

The above concern would be overcome by the drafting of the regulation (my underlining below) being such that a recorded reason was only required if Schedule 8 was dispensed with in its entirety (i.e. “any” should be “all”).

If a relevant authority permits an applicant to lodge an application without the provision of any all information or document required under Schedule 8, the relevant authority must make a record of the reason for its decision to do so.

- COMMENT E: page 24, 33(4)-Notification of acting (accredited professionals – planning)

Payment is to be made for the base lodgement fee to the relevant assessment panel by the accredited professional. The SA planning portal is integral to the Act and the practical operation of the Regulations and a single entry payment system should be created to streamline and simplify the assessment processes for applicants and accredited professionals. Automated reconciliation of payment returns to assessment panels could occur quarterly.

The Regulations are unclear as to which entity (SA planning portal or assessment panel) issues the development application number associated with each “lodgement”. It is sought that an automated and instant development application number be issued by the SA planning portal (again to streamline the assessment process).

- COMMENT F: page 24, 33(1)(2)-Notification of acting (accredited professionals – planning)

An assessment panel should be notified by the SA planning portal via automated email (in the same manner that occurs in relation to land division applications lodged via the current EDALA system) of the notice of acting by an accredited professional. Alternatively, an assessment panel should be required to view the SA planning portal should it so desire (noting that an accredited professional is an “equal” relevant authority (Section 82 of the Act) and an assessment panel has no role to review the decision of an accredited professional).

The 5 day time frame in which to “notify” is also superfluous as most planning consents will be issued within this period. A decision made by an accredited professional within 5 days should also be taken to be the “notification”.

Regulation 33(2) should be amended such that the plans, drawings, specifications and other documents and information are not required at the time of notifying the assessment panel, with only the application forms being provided at the time of notification. This is a practical approach as amended planning drawings would render such notification documents superfluous and confusing, while the only information of relevance should pertain to the approved documentation.

Regulation 33(1) and 33(2) represent “backward steps” from the current more efficient “Res Code” system.

- COMMENT G: page 25, 35- Verification of application and determination of nature of development

The Regulations envisage a sequential process, when in practice determination of the nature of the development involves assessment of the development to confirm whether a proposal is “deemed-to-satisfy”. Regulation 35 should be amended to enable all steps to occur concurrently or sequentially and for the issue of a development application number to be followed by the issue of planning consent, with the decision being confirmation that all interim steps associated with “verification” have been satisfied.

The step-by-step approach of the Regulations again represents a “backward step” from the current more efficient “Res Code” system

- COMMENT H: page 28, 41-Withdrawing/lapsing applications

The SA planning portal should send an automated notice to “any agency” if a withdrawal/lapse notice is issued by a relevant authority. The Regulations create another administrative step which does not simplify the assessment process.

- COMMENT I: page 36, 53-Representations

The 15 business day notification period is unnecessary as the current 10 business day time frame is adequate, noting also that greater access to information and awareness of proposed development will be facilitated by the SA planning portal and signage placed on site.

- COMMENT J: page 44, 64-Notice of conditions

The imposition of conditions and reasons should not be applicable for deemed-to-satisfy development and regulation 64 should clearly state that reference to Part 7 of the Act excludes development which is granted consent as deemed-to-satisfy.

- **COMMENT K: page 45, 66-Consideration of other development authorisations**

Regulation 66 should be amended such that it is clear that it relates to Section 118 of the Act with respect to consistency of consents within the same development “application”.

As presently drafted Regulation 66 could be misconstrued as requiring a relevant authority to review the history of previous decisions associated with a development and be bound by that decision. Clearly, this is not appropriate or tenable and this regulation should link specifically the consents within the “same application”.

Such clarification will ensure that development approvals can issued without confusion and accredited professionals would be absolved from the need to be aware of or bound by other development associated with the subject land.

- **COMMENT L: page 54 and 55, 87-Width of roads and throughfares**

The inclusion of specific design standards should not occur within the regulations as they are best placed within the Planning and Design Code – where changes in design standards can be more readily updated (as compared to the Regulations).

- **COMMENT M: page 85, 127(2)-Documents to be provided by an accredited professional**

Consistent with Comment F above, an accredited professional should not be required to produce documents to a council, rather the council should be compelled to view the documents on the SA planning portal or a member of the public should be referred to the SA planning portal.

- **COMMENT N: page 93, Schedule 3(5)(1)-Excavating or filling – coastal land**

The Planning and Design Code by way of an overlay or similar should illustrate “3 nautical miles seaward of the coast...” to provide accuracy and clarity to this regulation.

- **COMMENT O: page 106, 4(2)-Sundry minor operations**

“the building line of a building” is used throughout the Regulations and this should be defined to assist the operation of the Regulations and the Planning and Design Code.

- **COMMENT P: page 112, 10-Demolition of single storey buildings**

The demolition of the whole of a building should be extended to include double storey buildings.

- **COMMENT Q: page 123, 4(1)(a)(i)-Sundry minor operations**

The term “screened from view” requires clarity so as to define the extent of “view to be screened” – for example is it 100%, which would not be practical in many instances.

- **COMMENT R: page 138, 2(a)(c)-Plans for residential alterations, additions and new dwellings**

The inclusion of regulation(2)(a)(ix) the “amount and location of private open space”, (x) “any areas of landscaping”, and regulation(2)(c)(viii) “roof materials” and (ix) “materials and finishes of all external surfaces, including walls, doors and windows” is unnecessarily onerous for deemed-to-satisfy development. These items should be exempt from the regulations or a separate deemed-to-satisfy “list” should be created.