

**REVIEW OF OPERATIONS  
YORKE PENINSULA COUNCIL  
DEVELOPMENT DEPARTMENT**

Prepared for:  
Yorke Peninsula Council

Date:  
01.11.2019

## Proprietary Information Statement

The information contained in this document produced by Holmes Dyer Pty Ltd is solely for the use of the Client identified on the coversheet for the purpose for which it has been prepared and Holmes Dyer Pty Ltd takes no responsibility to any third party who may rely upon this document.

All rights reserved. No section or element of this document may be removed from this document, reproduced electronically stored or transmitted in any form without the written permission of Holmes Dyer Pty Ltd.

## Document Control

Revision	Description	Author	Date
v1	Draft for Client Review	H. Dyer/N. Tan	28.10.2019
v2	Final	H. Dyer/N. Tan	01.11.2019

## EXECUTIVE SUMMARY

## Executive Summary

The Yorke Peninsula Council by majority resolved to conduct a review (largely by survey) of the impact of the planning and building system in relation to development within the Yorke Peninsula Council area.

The survey was conducted largely via Survey Monkey supplemented via face to face discussions, telephone discussion, documentation review and benchmarking.

The self-administered nature of the Survey Monkey survey means it is an uncontrolled survey and this, coupled with the specifically targeted inquiry, will in all likelihood have skewed the sample tending to findings in support of the identification of issues. That said, being an inquisitive approach, it is considered an appropriate method to elicit feedback to assist the review. The limitations of the approach mean that whilst the data could not be confirmed to be statistically valid it provides good qualitative information and does nonetheless provide some relativity between the importance of issues to be considered.

The results of these inquiries showed a mix of both support for the system and its implementation, and concerns with the system and its implementation.

### Key findings

#### 1. Development Plan policy

- » Development Plan policy appears to be out of sync in some respects with the area and the Councils Strategic Plan – this creates a disconnect between community expectations and on ground development and/or the approval process;
- » There are some internal peculiarities in the Development Plan policy, for example, in the Settlement Zone that contemplates (via an Objective) the provision of low-density dwellings, the procedural matters then lists most forms of dwelling as a non-complying land use. There are also extensive design guidelines applicable to the Black Point Policy Area 3 and one could question the purpose of some of these in the rural context.
- » The Council has been conducting regular “Section 30” Development Plan reviews. The template provided by the Government is very planning outcome oriented and focusses the process on the identification of specific policy amendments rather than encouraging a holistic review approach, and thus this is likely to have contributed to the disconnect between the Councils Strategic Plan and the Development Plan.
- » In line with the Section 30 Review, the Development Plan has been amended, very regularly, on an essentially “town by town” basis, rather than a Council-wide issue basis and this too may have contributed to the disconnect. A Council-wide issue-based approach would potentially have led to greater consistency between plans.
- » The Development Plan is about to be replaced by a new Planning and Design Code. The Code has at its heart the simplification of the planning policy and is likely to address a number of these issues upon its inception. Given the Code has nonetheless been prepared based on an ‘as far as is practicable like for like’ approach, there are likely to be some policy issues remaining that will need to be addressed by subsequent Code amendments.

#### 2. Application of Planning Policy

- » A review of application data for the Yorke Peninsula Council and other Councils of a similar size and with similar characteristics indicates that the number of approvals determined in the Yorke Peninsula Council is roughly (albeit slightly lower) on par with the other Councils considered. Between 01 January 2019 to 30 June 2019, approximately 95% of development applications were determined by the Copper Coast Council and Wakefield Regional Council, 92% by the Barunga West Council and 89% by the Yorke Peninsula Council.

- » The staff of the Yorke Peninsula Council have in the last 12 months sought to manage some long outstanding applications that have languished for want of provision of information. This is good management. It is understood that some of these applications have been 'lapsed' (those apparently that have been approved but not been substantially commenced within the statutory timeframes) and some have been 'refused' (where there is insufficient information provided). This refusal process (as distinct from lapsing, which may be a better alternative approach) could well provide some localised skewing of the records making it appear as though more applications were refused in the period than is in fact the norm.
- » In discussions, and upon review of a couple of specific examples, brought to the attention of the review, and some of the information contained within the advisory documentation there is some evidence to suggest it is possible that a) a very strict approach is adopted with respect to particular provisions of the Development Plan, especially in terms of particular land uses or metrics and in respect of non-complying land-use applications and b) the planning system is being used as the front line in the management of broader Council issues, i.e. community land management, or leasing and licensing for example. This appears to be a routine approach for a number of regional Councils, however, this is not really an appropriate application of the policy or use of the planning system and again will have the likely impact of skewing the amount of development that is refused or potentially withdrawn.
- » It is likely that decisions made currently are seen to be inconsistent with a past regime.

### 3. Timeliness

- » A review of the development application register for the Yorke Peninsula Council, between 01 January 2019 and 30 June 2019 indicates that the Yorke Peninsula Council takes on an average of 77 working days to determine an application compared with:
    - 78 working days at Copper Coast Council
    - 77 working days at Barunga West Council
    - 67 working days at Wakefield Regional Council.
- This is not considered to be unduly slow and is comparable with the other Councils.
- » It appears that there is a propensity for the staff to seek to be particularly helpful to assist applicants to achieve an approval. This additional negotiation will add to the time taken for a decision.

### 4. General Information

- » There is a significant amount of general information provided on the Council's website. This is quite comprehensive. The content of the information would tend to indicate that there is a recurring issue with the quality and level of information provided in support of an application, ie it would indicate that many applications are lodged without sufficient detail to enable an assessment. It is noted, however, that in some cases the information listed to be provided with an application is required to enable the planning system to be used to head off later compliance and operational matters rather than simply allow a point in time approval.

### 5. Perception

- » It appears that there is some negative perception of planning within the Yorke Peninsula Council from some people.

## Recommendations

1. Development Division staff should workshop key priorities for the development of the Yorke Peninsula Council with Elected Members and senior staff in the context of the Council's Strategic Planning process

to ensure a clear vision that will need to be promoted via planning policy. It would be ideal for this to commence early to enable Code amendments to be identified.

2. Develop a list of key issues to test the Planning and Design Code against and to potentially inform future Code Amendment(s).
3. Elected Members and staff should critically review the draft Planning and Design Code policies (currently on exhibition) for application in light of issues identified to ensure:
  - » As far as is practicable, the Code is an improvement to the current situation; and
  - » To identify any early Code Amendments that are required.
4. Staff and process efficiencies are likely to be achieved via some reallocation of tasks, namely:
  - » Application lodgement could be undertaken by the customer service staff on the front counter; and
  - » Section 7 statements could be completed by administrative staff rather than planners.
5. Review contracts with external engineering and planning consultants to ensure contracts optimise benefits to Council with respect to support.
6. The planning system should not be used as the first line of defence against potential future issues that should more appropriately be dealt with under other legislation. This should be considered in the context of increased enforcement options.
7. Pursue the Joint Planning Board proposal as a method of increasing regional consistency through a Regional Plan and to provide a framework to address resource shortages through resource sharing arrangements.
8. Prepare new delegations (with legal guidance) to support assessment pursuant to the *Planning, Development and Infrastructure Act, 2016*.
9. Communication and correspondence could be improved if phone calls and emails went directly to assessing officers rather than communication via the generic email.
10. Develop an economic and tourism development strategy.
11. Review staffing to determine opportunities for an economic development officer/case manager that sits outside the Development Division to avoid conflicts and is available to assist applicants.

Our thanks to all those who participated in this process and in particular to the Councillors and staff of Yorke Peninsula Council who were most helpful, responsive and professional in providing information.

## Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>III</b>
<b>1. INTRODUCTION.....</b>	<b>2</b>
<b>1.1. BACKGROUND</b>	<b>2</b>
1.1.1. RESOLUTION OF COUNCIL	2
<b>1.2. REVIEW OBJECTIVES</b>	<b>3</b>
<b>1.3. METHODOLOGY</b>	<b>3</b>
1.3.1. LIMITATIONS	3
<b>2. CONTEXT.....</b>	<b>5</b>
<b>2.1. ROLE OF COUNCIL</b>	<b>5</b>
2.1.1. LEGISLATIVE FRAMEWORK	5
<b>3. POLICY FRAMEWORK.....</b>	<b>12</b>
<b>3.1. POLICY FRAMEWORK</b>	<b>12</b>
<b>3.2. YORKE PENINSULA 2016-2020 STRATEGIC MANAGEMENT PLAN</b>	<b>12</b>
3.2.1. YORKE PENINSULA COUNCIL DEVELOPMENT PLAN	14
3.2.2. SECTION 30 REVIEW	16
<b>3.3. OBSERVATIONS</b>	<b>17</b>
<b>4. RESEARCH AND DATA.....</b>	<b>19</b>
<b>4.1. STRUCTURE AND RESOURCES</b>	<b>19</b>
4.1.1. HUMAN RESOURCES	19
<b>4.2. DELEGATIONS</b>	<b>21</b>
<b>4.3. APPROACH TO ASSESSMENT</b>	<b>22</b>
<b>4.4. COMPLIANCE</b>	<b>22</b>
<b>4.5. PUBLIC INFORMATION</b>	<b>22</b>
4.5.1. ONLINE GUIDES AND INFORMATION	22
4.5.2. ONLINE MONITORING	23
<b>4.6. SURVEY AND INTERVIEW RESULTS</b>	<b>24</b>
4.6.1. DIRECT INTERVIEWS	24
4.6.2. CUSTOMER SERVICE SURVEY	29
4.6.3. SURVEY MONKEY – PUBLIC SURVEY	30
<b>4.7. BENCHMARKING WITH SIMILAR COUNCILS</b>	<b>40</b>
4.7.1. STAFFING	40
4.7.2. DEVELOPMENT APPLICATIONS	41
<b>4.8. SUMMARY OF KEY ISSUES</b>	<b>43</b>

<b>5. ANALYSIS OF KEY ISSUES.....</b>	<b>46</b>
5.1. THE LENGTH OF TIME TAKEN TO PROCESS AN APPLICATION	46
5.2. INCONSISTENCY IN DECISION MAKING	47
5.3. AGENDA ITEMS AND PLANS ARE NOT PUBLICLY AVAILABLE	48
5.4. LACK OF NEGOTIATION THROUGHOUT THE DEVELOPMENT APPLICATION PROCESS/POLICY IS TOO RIGIDLY APPLIED	48
5.5. THE PROCESS IS 'TOO HARD', 'DIFFICULT' OR 'SLOW' THAT APPLICANTS WALK AWAY	49
5.6. (REASONABLE) APPLICATIONS ARE REFUSED	49
5.7. DIFFICULTY IN OBTAINING AND RETAINING STAFF	50
5.8. LACK OF DETAIL PROVIDED WITH APPLICATION CAUSING DELAYS	50
5.9. PLANNING POLICY IS OUT OF DATE/DISCONNECT WITH COUNCILS STRATEGIC PLAN AND VISION	51
5.10. NEGATIVE PERCEPTIONS OF PLANNING	52
5.11. PROPENSITY FOR THE PLANNING SYSTEM TO BE USED FOR MANAGEMENT OF BROADER COUNCIL RESPONSIBILITIES	52
5.12. NEED FOR AN ENGINEERING POSITION AS STAFF	53
<b>6. FINDINGS .....</b>	<b>55</b>
<b>7. IMPLICATIONS OF PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT, 2016.....</b>	<b>57</b>
7.1. BENEFITS OF THE SYSTEM TO ADDRESS CONCERNS RAISED IN RESPECT TO YORKE PENINSULA COUNCIL PLANNING	57
<b>8. RECOMMENDATIONS .....</b>	<b>60</b>

## Appendices

Appendix 1. Accredited Professionals .....	62
Appendix 2. Discussion Prompts from Interviews .....	63
Appendix 3. Survey Questions - Customer Service Survey .....	64
Appendix 4. Survey Monkey Survey Questions.....	65

## Figures

Figure 1. Diagrammatic representation of the Council's vision and goals.....	13
Figure 2. Yorke Peninsula Council's Organisational Structure.....	19
Figure 3. Yorke Peninsula Council Organisational Structure – Development Services Team.....	20
Figure 4. Category of respondents.....	31
Figure 5. Views on the amount of Development in the Yorke Peninsula Council Area .....	32
Figure 6. Desired form of Development.....	33
Figure 7. Average number of applications per applicant lodged per year .....	34
Figure 8. Type of Application.....	35
Figure 9. Level of satisfaction.....	37

## Tables

Table 1. Record of Development Plan Amendments and their consolidation dates .....	14
Table 2. Average rating to each question .....	29
Table 3. Analysis of Question 16.....	38
Table 4. Number of Staff member (FTE) within selected Councils .....	40
Table 5. Approximate Number of Development Applications per staff member within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019.....	40
Table 6. Number of Development Applications lodged at Yorke Peninsula Council between 2014 and 2019 (until 30 June 2019).....	41
Table 7. Summary of Development Applications that were Determined within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019 .....	42
Table 8. Number of Land Division - Development Applications that were Determined within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019.....	42
Table 9. Average Number of Days (Working Days) - Development Applications that were Determined within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019.....	42
Table 10. Planning + Building – 60 Days - Summary of Development Applications that were Determined within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019 ..	43

## 1 - INTRODUCTION

## 1. Introduction

### 1.1. Background<sup>1</sup>

The Yorke Peninsula Council was established in 1997 as a result of an amalgamation of the District Councils of Central Yorke Peninsula, Minlaton, Warooka and Yorketown. The Council covers a large geographic region.

The Yorke Peninsula Council takes in the majority of the Yorke Peninsula, extending from just north of the Moonta Lake and running east-west roughly along the alignment of Pedlar Road, and Upper Yorke Road - dog legging around to take in Port Arthur and extending west to include a portion of land around the B85 north of Port Wakefield, south to the tip of the Peninsula.

The Council area is bordered by sea on three sides and has 485 kilometres of coastline. In total it covers some 5,900km<sup>2</sup>.

The estimated population as at 2018 was 11,303 persons. This was an increase of 93 persons from 2011. The Council area contains both larger towns (12) and smaller townships and holiday settlements (33). The smaller settlements are predominantly located along the coastline.

Along with the increase in population the number of dwellings increased by 228 between the 2011 census and the 2016 census. This nonetheless indicates that the number of dwellings is increasing faster than the population growth. This is most likely due to additional holiday houses being constructed by non (full-time) resident ratepayers.

The annual operating expenditure 2017/2018 was \$31.76 M.

The Council is located within the Regional Development Australia, Yorke and Mid North region. Collectively this region contributes some \$3.65 billion to the economy, with the largest industry sectors being agriculture, forestry and fishing. The Yorke Peninsula Council contributes \$0.56M of this and provide 4,256 local jobs and 1,306 local businesses.

The key industry sector is agriculture, forestry and fishing which employs 26.6% of resident workers, followed by health care and social assistance at 11.4%, and retail at 9.3%. Education and training, and accommodation and food services come in fourth and fifth at 7.1% and 7.0% respectively, followed by construction at 6.0%. Beyond this any given industry sector employs 4.4% or less of the workforce.

Importantly, whilst some sectors did increase, their workforce, e.g. employment in other industry, agriculture, forestry and fishery, and public administration, overall the workforce decreased by 143 persons between 2011 and 2016. The three hardest hit sectors were retail trade which contracted by some 62 persons, interestingly accommodation and food services (one of the key target industry sectors in the region) by 50 and the construction sector by 48 persons.

The Council is interested to understand and ensure the optimisation of the intersection of the Council's role as a regulatory authority and the future and sustainable development of the area to ensure that Yorke Peninsula retains a high level of liveability with a strong and resilient community and economy.

#### 1.1.1. Resolution of Council

At its meeting held on 13 March 2019 the Yorke Peninsula Council resolved:

*"That the CEO conducts a review of the operations of the Yorke Peninsula Council Development Department by:*

- *The CEO contacting Adelaide Architecture, Development, Building and Construction Supply firms via surveys or questionnaires, to determine their experience and perceptions of Yorke Peninsula Council's Development Performance.*

---

<sup>1</sup> All figures sourced from .id

- *The CEO surveying Yorke Peninsula Council and Copper Coast Building and Construction/Supply firms by surveys or questionnaires?*
- *Confidentially surveying Elected Members, staff and ratepayers online or via proforma available from Council offices. Advertising survey via Yorke Peninsular Council Facebook/Website and Yorke Peninsula Country Times article.*
- *The CEO contacting SA Business and Tourism industry organisations to seek feedback on how Yorke Peninsula Council can attract new Business and Tourism operators to the Yorke Peninsula Council area.*
- *Researching the appropriateness of employing a suitably qualified engineer/planner to streamline the development expertise and utilisation of these skills in all departments.*
- *The CEO conducting a review of the Yorke Peninsula Council Development Application Process.”*

## 1.2. Review Objectives

The purpose of this review is to identify how Council can optimise the discharge of its regulatory functions to ensure the area develops in a manner that is prosperous and sustainable long term, and thus underpins a high quality of life for the community.

## 1.3. Methodology

The methodology of the review has been partially set via the Council’s resolution. To this end, the resolution required an inquisitive approach based upon surveys and questionnaires. The resolution also required consideration of the statutory processes and the need for an additional staff resource.

The approach adopted, in light of the resolution, was to inquire into the issue via a combination of self-administered surveys both broadly, via Monkey Survey with hard copies available at the Council offices, and specifically targeted to key groups (such as Elected Members). More inquisitive, one on one, discussions were also held with key persons for example persons identified and nominated as operating within the area or known to have had a particular development application experience, the Chief Executive Officer and all Development Division staff, as well as key entities such as the RDA, Tourism Yorke Peninsula and the Council Assessment Panel (CAP).

More detailed investigation was then directed towards those issues raised for which there was a consensus.

The resolution also required a review of the development application process. This is a large body of work in itself. Given the imminent introduction of a new system, this task has been approached at a high level by targeting the processing approaches and decision-making philosophy that will continue to be relevant to the new system rather than to focus too much on procedural matters likely to become obsolete upon the commencement of the new system early in 2020 (such as claims of lost correspondence that will not be an issue in a fully electronic system). It also included a review of key documents and materials.

This inquiry has been supplemented with some benchmarking.

### 1.3.1. Limitations

Planning is somewhat subjective, in that what one person sees as a good planning outcome another might see as a poor outcome. Whilst the survey questions sought as far as was practicable to probe for considered and non-biased responses, respondents will nonetheless be influenced by their personal views informed typically by planning outcomes. This is neither good nor bad, but simply means that the information can only be used in a qualitative manner. The Survey Monkey format in particular can reach a good cross section of the population however, the self-administered nature of the survey, results in information that is not specifically controlled. The targeted interviews equally will in all likelihood have skewed the sample (i.e. it is not completely random). That said, being an inquisitive approach this should elicit feedback to assist the review. The limitations of the approach mean that whilst the data could not be confirmed to be statistically valid it provides good qualitative information and does nonetheless provide some relativity between the importance of issues to be considered.

## 2 – CONTEXT

## 2. Context

### 2.1. Role of Council

Unlike other levels of Government, the Council is not constated thought the Australian Constitution but is created by Statue. The key legislation is the *Local Government Act, 1999*. This Act creates the Council and provides its primary functions, duties and powers. It also provides that the Council will undertake functions and duties pursuant to other legislation, this extends amongst other statutes to the *Development Act, 1993*, the *South Australian Public Health Act, 2011* and the *Local Nuisance and Litter Control Act, 2016* and the *Planning Development and Infrastructure Act, 2016* and any respective Regulations.

#### 2.1.1. Legislative Framework

##### 2.1.1.1. *Local Government Act, 1999*

The Council is established pursuant to the *Local Government Act, 1999*. Clauses 6 – 8 set out the role of the Council, its powers and function and the Principles that it must observe in the discharge of its functions and duties. Clauses 6 – 8 are set out below.

##### 6—Principal role of a council

*A council is, under the system of local government established by this Act, established to provide for the government and management of its area at the local level and, in particular—*

- (a) to act as a representative, informed and responsible decision-maker in the interests of its community; and*
- (b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and*
- (c) to encourage and develop initiatives within its community for improving the quality of life of the community; and*
- (d) to represent the interests of its community to the wider community; and*
- (e) to exercise, perform and discharge the powers, functions and duties of local government under this and other Acts in relation to the area for which it is constituted.*

##### 7—Functions of a council

*The functions of a council include—*

- (a) to plan at the local and regional level for the development and future requirements of its area;*
- (b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);*
- (c) to provide for the welfare, well-being and interests of individuals and groups within its community;*
- (d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;*
- (e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;*
- (f) to provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area);*
- (g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;*

- (h) to establish or support organisations or programs that benefit people in its area or local government generally;
- (i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the council;
- (j) to manage, improve and develop resources available to the council;
- (k) to undertake other functions and activities conferred by or under an Act.

## 8—Principles to be observed by a council

*A council must act to uphold and promote observance of the following principles in the performance of its roles and functions—*

- (a) provide open, responsive and accountable government;
- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- (c) participate with other councils, and with State and national governments, in setting public policy and achieving regional, State and national objectives;
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- (e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;
- (ea) seek to collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit;
- (f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (h) seek to ensure that council resources are used fairly, effectively and efficiently;
- (i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;
- (j) achieve and maintain standards of good public administration;
- (k) ensure the sustainability of the council's long-term financial performance and position.

Whilst these clauses underpin the Council as the primary governing authority for the area, of relevance to this review, they also highlight the Council's role to plan for the development and future of the area, provide infrastructure, manage the environment for sustainability and provide an attractive climate and locations for business and commerce. This intersects somewhat with its role as a Planning Authority.

Specifically, Clause 122 requires the Council to prepare a Strategic Management Plan. Clause 122 (2) (a) and (b) require a link between the Council's Strategic Management Plan pursuant to the *Local Government Act, 1999* and the Planning Strategy, Development Plan and Section 30 Strategic Directions Report pursuant to the *Development Act 1993* and this will translate to equivalent plans pursuant to the *Planning, Development and Infrastructure Act, 2016*. This provision creates a nexus between the Council's functions as are set out in Clause 7 such as community interests, the Council's plans for development and the future of the area and planning policy.

### 2.1.1.2. *Development Act, 1993*

The *Development Act, 1993* and *Development Regulations, 2008* still govern most of the planning functions of regional and rural Councils and this will continue until the introduction of the Planning and Design Code which is likely to be early in 2020 for these areas.

Pursuant to the *Development Act, 1993* any development must be approved. Development is specifically defined but in general terms will include building work, changes in land use and land division.

To get full Development Approval, unless some exemption is applicable, an application must first gain a consent against the Development Plan (colloquially known as a planning consent) and then get an approval pursuant to the National Construction Code (old Building Code of Australia) and elements of the *Development Act, 1993*, *Development Regulations, 2008* and the Development Plan as they apply to building approvals. Only once both consents have been granted i.e. planning (testing the proposal for matters such as suitability of land use and the site, access and car parking, design and appearance, hazards, signs, topography, waste and like) and building (ensuring the construction of the building is satisfactory and safe) can the proposal be granted full Development Approval. In case of a land division it would not be tested against the National Construction Code instead it would be tested against the Council's engineering standards and a Land Division Consent granted.

Prior to construction or operation there may be other consents required either from the Council or others, for example if the area is not sewered the Council would approve the wastewater disposal system, or the State Government might need to issue an approval to clear native vegetation.

Notwithstanding the links between Council's functions and duties pursuant to the *Local Government Act, 1999* and the *Development Act, 1993* set out above in terms of strategic and policy planning, the *Development Act, 1993*, does provide for some separation when the Council is discharging its planning assessment functions.

Specifically, the Development Assessment Panel, now Council Assessment Panel (pursuant to the new legislation) (CAP) must be established by the Council and the Council is required to delegate its assessment powers and functions to the Panel. Matters can also then be delegated to staff.

In making planning assessments, the assessing officer and the CAP is required to test the application against the relevant provisions of the Development Plan and to make a decision on balance in accord with those provisions taking into consideration the specifics of each application. The theory is, that the Development Plan, having been the subject of regular review and update pursuant to Section 30 of the *Development Act, 1993* will reflect the Council's strategic development aspirations for the area.

### *2.1.1.3. Planning, Development and Infrastructure Act, 2016*

This legislation underpins a completely new planning system (planning and building) for South Australia.

The *Planning, Development and Infrastructure Act, 2016* (PDI) is currently being transitioned in and the *Development Act, 1993* being transitioned out. The target date for the new system to be fully operational is 1 July 2020 with it becoming progressively live in three tranches. Tranche one, the Out of Councils and Coastal Waters areas, become operational on 1 July 2019. Tranche two, being essentially the regional and rural Councils (with some exceptions being those Councils that have metropolitan like issues), is programmed to go live in about April 2020 (and along with this the electronic platform becomes live) and Tranche three, the Greater Adelaide area and the areas excepted from tranche two, are to become live on 1 July 2020.

At the moment therefore there are two partially operative pieces of legislation governing planning.

The new system is the largest change to the way planning is undertaken in the State for many years (particularly the strategic planning and development assessment aspects) and is a quantum change in that it will be underpinned by an electronic platform, will include new and more assessment pathways, including a "deemed to satisfy pathway", and a State-wide Planning and Design Code. It also governs the matter of building approval.

The new Act is seeking to elevate the function of strategic planning, encouraging high levels of community engagement (in accord with the Community Engagement Charter) and the development of planning (assessment) policy to support the implementation of the strategic plan. To this end, the new Act will allow groups of Councils to enter into an agreement with the Minister to form a Joint Planning Board (JPB) that can prepare a coordinated regional plan. This should ensure improved consistency and coordination of policy across the region, leading to improved effectiveness. If established to do so, a JPB can also undertake other planning functions.

On 17 January 2018, the Yorke Peninsula Council resolved:

*“That Council*

1. *agree that the objective of the proposed Joint Planning Agreement between the Yorke Peninsula Alliance (comprising of the Yorke Peninsula Council, Copper Coast Council and the District Council of Barunga West) and the Minister is to ensure “Consistent integrated regional planning and responsive strategic land use planning”.*
2. *agree to the establishment of a Project Steering Committee for the development of the Business Case and Business Plan to be submitted to the Minister.*
3. *support a two-tier governance structure for the Project Steering Committee comprising of the following groups:*
  - (a) *Project Governance Group. The membership of this group shall comprise of the three CEO’s of the councils of the Yorke Peninsula Alliance group of councils; and*
  - (b) *Project Working Group. The CEO of each of the member councils to nominate one staff member to serve on this group. The role of the Project Working Group is to:*
    - (i) *draft the Business Case, engaging with other staff of the member councils as required and supervising the engagement and work of any contractors or consultants as required, within budgets approved for the project; and*
    - (ii) *keep the Project Governance Group informed of progress with the project against target dates; and*
    - (iii) *present the final draft of the Business Case to the Project Governance Group for consideration.*

Progress on the Joint Planning Board is awaiting DPTI advice in respect of the Planning Regions.

The electronic platform that will underpin the new system is being designed to be a single point repository of information pertaining to approvals and planning under the new Act. Over time it should also be able to be extended to assist Councils discharge additional functions, for example it should be able to provide information for Section 7 statements pursuant to the *Land and Business (Sale and Conveyancing) Act, 1994* and also could enable the Valuer Generals Office to access approvals data. It has the potential to reduce administration (increasingly over time) as it will facilitate online lodgement and assessment.

This electronic system will be the primary means of communication between all parties with involvement in the application and assessment process, meaning all correspondence will be transmitted and stored in this portal.

The Planning and Design Code, as it is proposed to apply to the regions and rural areas was released for consultation on 1 October 2019. It is on consultation until the end of November 2019. This Code will replace all the Development Plans across the State and will reduce the number of zones applicable with supplementary policies in the forms of General modules, sub-zones and overlays.

A transition plan is proposed to be provided to each Council to identify the translation of the Development Plan to the Code. The approach adopted is as far as is practicable to apply a like for like transition to the first generation of the Code with some updating and streamlining of policy. The reduction in zones, and revised approach will nonetheless result in some inevitable changes.

Once adopted the Code may be amended by the Council, the Minister and other parties as specified, in accord with the PDI Act and Regulations.

In terms of the actual discharge of functions, for both planning and building the new system makes provision for accredited professionals. Accredited professionals are persons who can demonstrate qualifications and experience as is set out pursuant to the Act and Regulations. Once accredited the professional may authorise and certify applications in accord with the level of accreditation. There are four levels of accreditation for builders and four plus an accredited professional (Surveyor) for planning.

A copy of the accreditation and the scope (excerpts from the ‘Guide to the Accredited Professionals Scheme’, April 2019) for each is included at Appendix 1.

Council will need to appoint an accredited professional fulfil the role of an Assessment Manager and CAP Members will need to be accredited to Level 2 going forward.

The Assessment Manager will be a professional accredited to Level 1 who has qualifications and experience akin to that required to become a Registered Planner with the Planning Institute of Australia. The Assessment Manager is a Planning Authority in their own right and can assess deemed to satisfy development with or without minor variations, Performance assessed development that is not assigned to the Panel and land division that are not assigned to a Panel for decision.

Level 2 accreditation will enable CAP members to determine notified performance assessed development. This level of accreditation is akin to being a Full Member of the Planning Institute of Australia or a Registered Planner with the Planning Institute of Australia.

This means applicants of varying classes of development may choose to have the planning assessment and building rules assessment certified privately.

The Act and regulations also provide revised timeframes for decisions and any application not determined within the prescribed timeframe will be deemed to be consented (approved) as distinct from the current system that (upon appropriate notices) results in a deemed refusal.

#### *2.1.1.4. South Australian Public Health Act, 2011*

The *South Australian Public Health Act, 2011* is a legislative framework that promotes and provides for the protection of the health of the public of South Australia to better respond to emerging and traditional public health challenges. Section 37 of the *South Australian Public Health Act, 2011* states that council is the local public health authority of its area and defines their functions as follows:

##### *Division 4—Councils*

##### *37—Functions of councils*

*(2) In connection with subsection (1), the following functions are conferred on a council by this Act:*

- (a) to take action to preserve, protect and promote public health within its area;*
- (b) to cooperate with other authorities involved in the administration of this Act;*
- (c) to ensure that adequate sanitation measures are in place in its area;*
- (d) insofar as is reasonably practicable, to have adequate measures in place within its area to ensure that activities do not adversely affect public health;*
- (e) to identify risks to public health within its area;*
- (f) as necessary, to ensure that remedial action is taken to reduce or eliminate adverse impacts or risks to public health;*
- (g) to assess activities and development, or proposed activities or development, within its area in order to determine and respond to public health impacts (or potential public health impacts);*
- (h) to provide, or support the provision of, educational information about public health and to provide or support activities within its area to preserve, protect or promote public health;*
- (i) such other functions assigned to the council by this Act.*

In addition, Section 49 of the *South Australian Public Health Act, 2011* states specific powers to require information.

*Division 7—Specific power to require information*

*49—Specific power to require information*

*(1) The Minister, the Chief Public Health Officer, a council or an authorised officer may require a person to furnish such information relating to public health as may be reasonably required for the purposes of this Act.*

## 3 – POLICY FRAMEWORK

## 3. Policy Framework

### 3.1. Policy Framework

One of the matters that came to light through interviews early in this review was the possibility of a disconnect between the Council's planning policy (Development Plan) and broader expectations and aspirations.

To test this at a high level, a review of the Council's future directions policy framework has been undertaken.

### 3.2. Yorke Peninsula 2016-2020 Strategic Management Plan

The *Yorke Peninsula Council 2016 – 2020 Strategic Management Plan* is the premier plan guiding the actions of the Council over the coming four-year period.

The plan is prepared and reviewed pursuant to Section 122 of the *Local Government Act, 1999*. The Executive Services within the Council is responsible for the preparation and management of the plan. The General Manager of the Development Division is responsible for assisting to set objectives with the CEO.

The Strategic Management Plan was prepared with input from the community in the form of 119 submissions and 13 attendees at a workshop and includes the following vision:

*“We will foster opportunities to support and enhance Yorke Peninsula which is valued for its natural beauty, rich agriculture, spectacular coastline and unique blend of seaside and rural lifestyles”*

As part of the Strategic Management Plan the Council notes that the Yorke Peninsula Community and its economic growth are dependent on:

- Protecting the agricultural backbone
- Growing tourism; and
- Reversing population decline

The Plan seeks to address these issues by focussing attention on building on the region's strengths to shape a sustainable future and five key goals that articulate what this future would look like.

The five goal areas that will contribute to the Council's overall vision are represented in Figure 1 below.

Figure 1. Diagrammatic representation of the Council's vision and goals.



Source: Yorke Peninsula Council 2016 -2020 Strategic Management Plan

Of these five goals, three are closely linked to the Development Department via Development Plan policy viz:

- Goal 1 - Economically prosperous peninsula;
- Goal 2 - Community connected by infrastructure; and
- Goal 3 - Valued and Restored Environment.

In relation to Goals one and three, whilst the Development Plan cannot actually cause any given land use to be undertaken in any given location, it can nonetheless provide appropriate pre-conditions, via policy, to encourage the establishment of various land uses in various locations. This can be done via policies that are sufficiently encouraging of land uses and more fundamentally by providing that there is a sufficient amount of appropriately zoned land.

Goal one and Goal three, may in some circumstances compete with one another. The Development Plan can include policy that provides an appropriate balance to ensure that a variety of economic land uses can occur in a variety of locations appropriately serviced with infrastructure or that are capable of being serviced by infrastructure and that any such land use is appropriately sustainable.

Satisfaction with the Development Application process is included as the only indicator that Council has direct influence over and Council has been monitoring this via a survey sent to applicants once a decision has been issued. This will be discussed in more detail later in the report.

In addition, Goal 2 Community Connected through Infrastructure is linked to the Development Department via Development Plan policy.

Whilst the Strategic Management Plan tends to focus on the delivery of infrastructure, the Development Plan will be influenced by and can influence infrastructure. The location of planned or existing infrastructure brings with it opportunities for development whilst zoning for specific land uses can identified a potential demand for infrastructure.

In line with this Plan one would expect the Development Plan to include good amounts of land in zones that will enable a diverse range of economic land uses.

### 3.2.1. Yorke Peninsula Council Development Plan

The Development Plan is created pursuant to the *Development Act, 1993*. It is the statutory planning policy against which any proposal for development (building work, a change in land use, or land division etc) must be assessed and a decision made “on balance” after considering the specifics of the proposal in light of all of the relevant policies.

This section does not purport to be a comprehensive review of the Development Plan policy, which is currently a matter for Council pursuant to Section 30 of the *Development Act, 1993* as is further discussed below. The purpose of this section is to consider the process of management of the Development Plan.

The Council may elect to amend its Development Plan at any time with the agreement of the Minister.

The Development Plan contains a list of amendment that have taken effect since 2001. Table 1 below identifies these amendments as stated in the Yorke Peninsula Council Development Plan Consolidated 29 November 2018.

**Table 1.** Record of Development Plan Amendments and their consolidation dates

Date of Amendment	Name of Instrument
18 January 2001	Central Yorke Peninsula (DC), Minlaton (DC), Warooka (DC) and Yorketown (DC) - General Consolidation PAR
25 January 2001	South Australian Ports (Disposal of Maritime Assets) Act 2000
20 August 2001	Telecommunications Facilities State-wide Policy Framework PAR (Ministerial)
27 March 2003	Port Vincent Marina PAR (Interim)
24 July 2003	Wind Farms PAR (Ministerial)
13 November 2003	Port Vincent Marina PAR
16 December 2004	Miscellaneous Amendments PAR
23 February 2006	Industry (Commercial Bulk Handling) PAR
29 June 2006	Port Clinton PAR Corny Point PAR
9 November 2006	Bushfire Management (Part 1) PAR (Ministerial)
1 February 2007	Shack Design Guidelines PAR

11 June 2009	Parsons Beach DPA Stansbury – Aquaculture Zone DPA
10 December 2009	Bushfires (Miscellaneous Amendments) DPA (Ministerial) (Interim)
1 June 2010	Statewide Bulky Goods DPA (Ministerial) (Interim)
24 June 2010	Port Victoria Town DPA
7 October 2010	Ardrossan Rural Living DPA
9 December 2010	Bushfires (Miscellaneous Amendments) DPA (Ministerial)
13 January 2011	Statewide Bulky Goods DPA (Ministerial)
19 October 2011	Statewide Wind Farms DPA (Interim) (Ministerial)
18 October 2012	Termination of the Statewide Wind Farms DPA (Ministerial) and its removal from the Yorke Peninsula (DC) Development Plan Statewide Wind Farms DPA (Ministerial)
22 November 2012	Better Development Plan (BDP) and General DPA
19 December 2013	Port Vincent DPA
6 February 2014	Four Towns (Maitland, Minlaton, Yorketown and Warooka) DPA
30 October 2014	Bluff Beach DPA
24 October 2017	Edithburgh Town and Surrounds DPA
15 November 2018	Balgowan Settlement DPA

Note: Section 29 “minor/correction” Amendments have been excluded, and (Ministerial) indicates that the particular policy amendment was undertaken by the Minister as distinct from the Council.

Table 1 indicates two key issues of relevance to this review.

Firstly, the Council has been regularly amending and updating its plan.

With the exception of the “Better Development Plan and General DPA” in November 2012, and Ministerial amendments, the amendments have been quite specific in nature and/or spatial application to only one or a handful of towns or settlements at a time.

It is considered that this town centric policy application has led to some of the disconnect between Development Plan policy and Council’s strategic plan in that it means that issues have been considered in relation to a discrete locality rather than as might apply across the Council area. This approach is somewhat inconsistent with taking a strategic view.

## 3.2.2. Section 30 Review

Section 30 of the *Development Act, 1993* requires the Council to undertake a regular review of its Development Plan.

Responsibility for the Section 30 Review process sits within the Development Department and the process has typically been undertaken by a consultant with the Council staff undertaking the “legwork”.

This document is a key document as it is intended to review the Development Plan policy for currency having regard to expectations for the future of the Council.

Section 30 of the *Development Act, 1993*, in part, sets out:

### *30—Strategic Directions Reports*

*(1) A council must, from time to time, in accordance with the requirements of this section, prepare a report under this section (a Strategic Directions Report) that—*

*(a) addresses the strategic planning issues within the area of the council, with particular reference to—*

*(i) the Planning Strategy; and*

*(ii) any other policy or document prescribed by the regulations; and*

*(b) addresses appropriate amendments to any Development Plan that applies within the area of the council; and*

*(c) sets out the council's priorities for—*

*(i) achieving orderly and efficient development through the implementation of planning policies; and*

*(ii) the integration of transport and land-use planning within its area; and (iii) implementing any relevant targets set out in the Planning Strategy; and*

*(iii) implementing affordable housing policies set out in the Planning Strategy within its area; and*

*(iv) infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the council's proposals with respect to infrastructure; and*

*(v) other projects or initiatives considered to be relevant by the council*

This therefore provides a broad head power for the Council to consider the links between the Council’s Development Plan and the Strategic Management Plan.

Some Councils combine the Section 30 Review with the Council’s Strategic Management Plan process. This joint process provides improved opportunities for integrated planning between Council’s strategic priorities and statutory policy directions and proposed amendments.

Council is up to date with its review having completed its most recent review in February 2015.

The current review follows the template provided by the State Government, which includes in tabular form an assessment of planning strategies policies and targets, followed by a list of Development Plan Amendments. This is followed by the inputs from the community as a record of the consultation process.

The date of the template is unknown, and while the accompanying guiding document does cursorily acknowledge the Strategic Management Plan processes, the tabular format of the template somewhat works against a strategic

and/or collaborative approach. It focusses attention on one provision of the regional strategy at a time, narrowing the focus of the review. It also does not encourage the linking of the Council's two primary planning documents.

This approach to the Section 30 report process (i.e. the rigidity of the template provided by the State Government) may have contributed to problem/solution focussed approach rather than a more holistic strategic approach.

### 3.2.2.1. Currently proposed policy changes

The Section 30 Review promotes two DPAs:

- Rural Living, with a view to ensuring new and existing areas are appropriately located with respect to future township expansion. (2015-2016); and
- Coastal Areas – to review vulnerable shack sites and introduce policy to manage and guide development on those sites. (2016-2017)

Interviews with various people indicate pre-work is currently being undertaken in respect to a policy amendment at Black Point. The Black Point Development Plan Amendment (DPA) proposes to rezone land at Black Point and Pine Point. Public and agency consultation commenced on 01 May 2019 and concluded on 30 June 2019 resulting in 18 submissions being received. However, since the release of the Draft Planning and Design Code for Phase 2 released on 01 October 2019, this process remains on hold.

## 3.3. Observations

The following observations arise from the above aspects of the review:

- The Development Plan has been amended with a fair degree of regularity, however, the majority of these amendments would appear to have been specific problem/solution focussed and local area specific without necessarily contemplating broader strategic issues for the Council.
- It is considered that the template provided to assist Councils with the Section 30 Review may have actually contributed to this narrow focus.
- The narrow approach to the Section 30 Review and thus Development Plan amendments appear to have resulted in some disconnect between Council's strategic approach and statutory planning policy.

## 4 – RESEARCH AND DATA

## 4. Research and Data

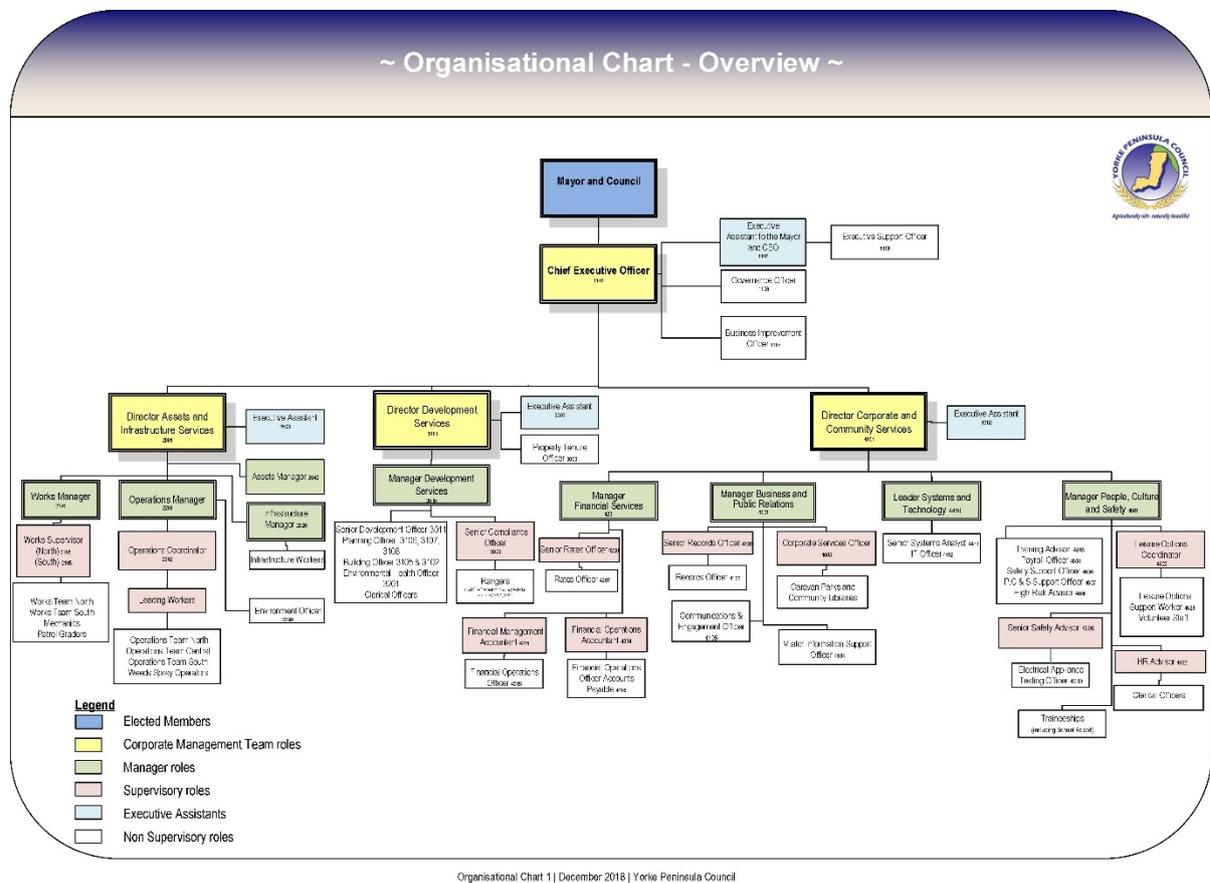
### 4.1. Structure and Resources

#### 4.1.1. Human Resources

Yorke Peninsula Council's organisational structure is depicted in Figure 2. Council's structure consists of three departments: Assets and Infrastructure Services, Development Services and Corporate and Community Services.

The Yorke Peninsula Council employs approximately 118 full-time equivalent (FTE) employees, totalling approximately 150 persons.

Figure 2. Yorke Peninsula Council's Organisational Structure



The Council operates offices out of Maitland, Minlaton and Yorketown. The Council has both administration offices and depots located in each of these towns. In addition, there is a depot located in Warooka.

The Council has made a decision to operate its planning functions out of two offices, Maitland and Yorketown. The logic for this is that these two towns provide coverage north and south.

Excluding the Director of the Division and his Executive Assistant who, whilst nominally based in Maitland, spend time between the two offices; the Maitland office houses 7.78 FTE development division staff. Currently however, of these 7.78 FTE positions, two positions are currently vacant, an Environmental Health Officer and a Development Officer (Building). In addition, there is an acting manager covering for the substantive manager who has been on extended leave. The 0.78 FTE clerical officer is also a backfill position. Consequently, there are only 4.78 FTE operating out of Maitland at the moment.

The Yorketown office has 5.42 FTE, comprising 1.37 Ranger positions, 2.05 FTE clerical officers (0.63 of which is a backfill), 1.0 planning officer and 1.0 building officer.

Combined there are approximately 10.2 FTE staff discharging Council’s development services functions.

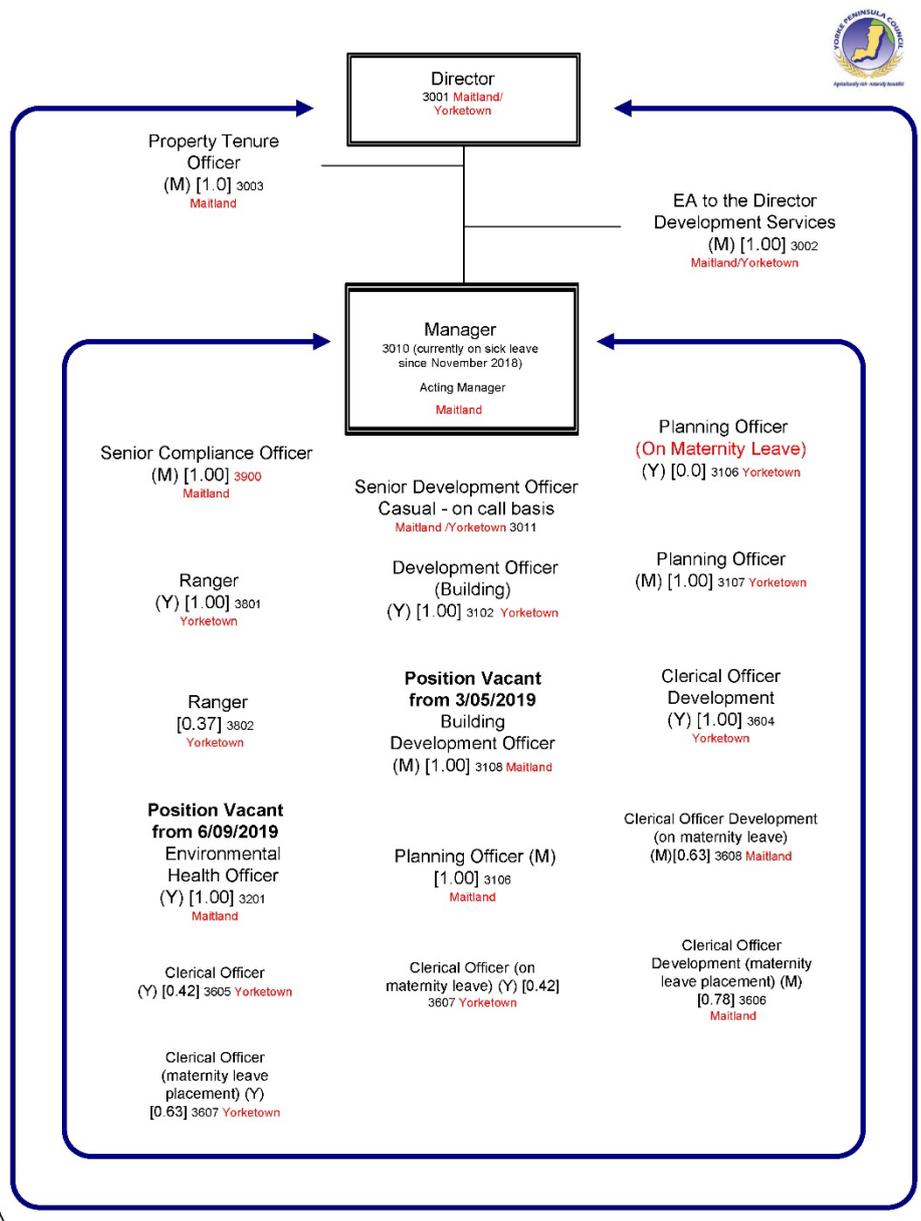
There is also one Senior Development Officer who works across both the Maitland and Yorketown Offices on a casual basis, although it is understood this arrangement is about to cease.

In addition, the Development Services staff are supported by Aspect Planning, planning consultants. Access Planning (consultants) assists with overflow development applications and policy work (such as assisting with the Black Point DPA community consultation).

Building engineering services as provided by Katnich Dodd.

An organisation chart below shows staffing and their respective locations:

**Figure 3. Yorke Peninsula Council Organisational Structure – Development Services Team**



Staff turnover for the five-year period 01 July 2014 to 01 July 2019 totalled 13, establishing an average of 2.6 per annum. Over the period however, this is an 88.5% staff turnover rate.

These figures indicate that, organisational stability is an ongoing challenge for the Yorke Peninsula Council. This leads to a need to recruit and train staff.

Under-resourcing and consequential stressful workloads are cited to be impacting the effectiveness of management and delaying operations within the Development Department of Yorke Peninsula Council. In addition, it has been noted that there has been some difficulty with obtaining staff particularly for the Yorketown office compounded by the fact that there has been a need for short term back fill positions.

Organisational instability may impact outputs in the following ways:

- Inconsistent processes and decisions; and
- Increased timeframes and reduced output.

This situation is further exacerbated by the staff being located in two physically removed places. Whilst it is noted that the planning and building functions are located to optimise convenience to and commitment to the community.

Focussing on one location within the Council may be beneficial as each staff member will become very familiar with the sub-area, key issues and policy, and it should lead to localised consistency in decision-making.

On the flip side, however, separating the department across two physical location is less than ideal as:

- Opportunities for shared discussion of issues is reduced;
- Causal information sharing and learning does not occur;
- Staff may determine issues and approach matters in an isolated manner potentially reducing consistency across the Council;
- Senior staff who can mentor less experienced staff may be physically removed from direct reports and day to day matters;
- Cover for leave and other absences is more difficult as staff may need to relocate and familiarise themselves with matters where they have no knowledge or exposure; and
- Information and documentation requiring transfer between the offices may be at more risk of getting lost.

The issue of staff levels is considered further later in this report as part of the benchmarking exercise that was undertaken.

## 4.2. Delegations

The delegations are presented in a somewhat unfamiliar format. This should be reviewed as part of preparations for the introduction of the Planning and Design Code and new Act to ensure that the risk of decisions being challenged via judicial review of delegations is minimised. Nonetheless, the Council has currently delegated its powers and functions. The CAP has what is considered to be a relatively standard set of delegations essentially being any application to which there are representations and applications for non-complying proposals.

Staff have effectively the balance of delegations.

Interestingly staff can therefore determine to refuse and/or refuse to proceed to an approval in respect of a non-complying application. Such decisions, given they carry no applicant appeal rights, are often put to the CAP in other Councils.

Too many delegations to the CAP will result in staff being consumed in writing planning reports. Items considered by CAP also have to factor the meeting agenda processes into timeframes.

Other than the observations above, this split is considered to provide appropriate levels of delegation to enable efficient determination of applications and transparency.

## 4.3. Approach to assessment

The general approach taken by staff to the development assessment function has been gleaned from a review of standard templates used in the assessment process and discussions with staff.

To assist staff with the assessment function, the Council has developed a series of checklists and standard letters. These appear similar in form to equivalent sheets at many other Councils.

These sheets prompt consideration of issues and seek to focus the assessment against key provisions of the Development Plan. The prompts again indicate a propensity to absolutely apply the various metrics (especially those which are quantified numerically, such as number of car parks, amount of private open space etc.) rather than using these provisions as a guide.

Nonetheless a review of the delegated checklists documents provide transparency in terms of the considerations leading to the decision.

## 4.4. Compliance

The *Development Act, 1993* makes it an offence to not fully comply with a Development authorisation.

A Council is required to have a building inspection policy. This outlines the frequency and type of inspections that will be undertaken during construction. Typically, this is risk based and Council's policy is similar to other Councils' policies, however the inspection rates seems higher than some. This has resource implications, however, given building inspection is related to building safety this is commended.

Council staff estimate 70%-80% of compliance issues for building are discovered by staff during inspections with 10-20% emanating from others usually aggrieved owners raising rating workmanship issues.

There is no obligation for a planning compliance inspection regime. Most planning compliance issues come to attention via a complaint usually from a neighbour.

Yorke Peninsula Council staff estimate 80% of planning compliance issues are brought to its attention by the community, with 20% being identified by staff.

Twenty per cent of non-compliance matters being identified by Council staff may be slightly higher than other Councils, but it is difficult for a staff member to overlook non-compliance identified during a site inspection for proposals.

## 4.5. Public information

### 4.5.1. Online guides and information

The website contains much helpful information and has clearly been developed with thought to assist applicants.

The website is generally easy to navigate and contains links to the Government's Website for access to the current Development Plan. People can also access archived material.

There are twenty-one guides and fact sheets located on the Yorke Peninsula Council's website to provide some 'self help' for people involved with or contemplating a development application. These cover the following topics:

- Submitting a Development Application
- Development Application Requirements – Dwellings
- Development Application Requirements – Sheds and Garages
- Development Application Requirements – Decks & Verandahs
- Development Application Requirements – Demolition

- Yorke Peninsula Council Development Plan
- Land Division
- Public Notification
- Non-Complying Development
- Signs
- Food Premises
- Bed and Breakfast Accommodation
- Home Activity
- Olive Growing
- Vineyards
- Choosing and Designing Your Ideal Home
- Energy Efficient Homes
- Wastewater Systems
- Coastal Garden Planting Guide (Northern and Yorke Natural Resources Management Board)
- Fences and the Law Booklet (Legal Services Commission of South Australia)
- Native Vegetation Information Sheet – Housing & Development (Department of Environment, Water and Natural Resources)

A review of these sheets show they cover a vast array of topics and seek to provide advice in terms that are generally easy to understand. This requires some care to ensure that the simplification of language maintains the accuracy of the information provided. For example, some of the information provided is written in absolute terms, when in actual fact some discretion is possible. This is especially true with respect to numerical provisions.

In addition, these information sheets appear to be designed to provide holistic Council advice in respect of issues and thus, in cases these seem to indicate a broad range of information is required as part of a development application. There is a focus on the requirements for supporting information, indicating that lack of information could be a current problem for staff.

Whilst some of this information is required by Council for other purposes i.e. better understanding of the ongoing operation of a venture, it is not all specifically required for the planning assessment.

Linking planning and Building requirements as part of the fact sheets, whilst helpful may also encourage people to bring forward expenditure; for example, moving prematurely to full design/construction drawings and paying the CITB levy; neither of which are required to gain a planning consent.

Information pertaining to building issues is nonetheless useful information. Overall the information provided indicates that there may be issues with applications not providing the basic minimum information and in the case of sheds and verandahs – etc. not addressing wind loads fully.

This is consistent with other advice provided to the review that applications take a long time to process and the advice that old outstanding applications need purging from time to time.

#### **4.5.2. Online monitoring**

Some Councils (mainly metropolitan Councils) enable applicants to monitor the program of Development Applications online. By typing in the development application number, the record is accessed. The record typically indicates which referrals are required and whether or not, the referral has been actioned. The Yorke Peninsula Council does not provide such an interface.

## 4.6. Survey and Interview Results

Information pertaining to satisfaction, experiences and perception of the planning system and its implementation in respect to development within the York Peninsula Council area used in this review has come from a number of sources including the specifically prepared survey, Council's ongoing survey, and interviews and discussions with key stakeholders i.e. Elected Members, staff, tourism and economic development bodies, practitioners and consultants to Council and persons identified to Holmes Dyer as having a particular interest in the issue.

Data regarding application processing was also gathered directly from Council records and comparison Councils.

This information therefore comprises both valid quantitative data sets and qualitative data sets.

To maintain anonymity, the raw data has been aggregated and analysed and is set out below.

### 4.6.1. Direct Interviews

The direct interviews were a key component of the quantitative evidence gathering. The majority were completed as part of the initial investigations and informed the general understanding of sentiment and issues from staff, Councillors, economic development and tourism organisations and person with a specific intent in the review as recommended.

This information was used to assist in developing the questions included in the broad survey.

The interviews were semi-structured in that each revolved around a series of discussion prompts – with each taking on average 45 minutes to one hour.

The discussion prompts were tailored to the interview group i.e. staff, Councillors, key persons and the various organisations.

Each person was ensured anonymity and as such the specific notes from each discussion have not been included in this report.

Copies of the various discussion prompts are included in Appendix 2.

The discussions with Council staff sought to understand the approach of each member of staff towards:

- The assessment (decision-making) process
- Their customer service
- Their interaction with one another
- Their roles
- Their view on resources
- Administrative processes
- Interaction with Elected Members

These questions were also designed to obtain an understanding of:

- Links between the Council's strategic planning and statutory town planning policy framework
- Any policy amendment required and in progress
- Delegations
- Appeals
- Cover for leave
- Complaints handling

The interviews with Members sought to understand:

- Their exposure to strategic and statutory planning

- Key aspirations for the Council
- Their interaction(s) with staff members
- How the community is engaged in planning
- General concerns
- Any substantive evidence for further review

Interviews with key persons will be skewed to those who have expressed concerns with planning. To this end, the interviews with these people sought to:

- Understand specific concerns in more detail
- Provide evidence to understand each position/view
- Understand personal experiences
- Understand aspirations
- Understand interaction(s)

In relation to the other agencies the discussions were centred around their views and vision and how they currently work with Council and their views on whether there are opportunities to extract more for the region from these partnerships, along with general observations.

Finally, the discussions with consultants was of a more general nature seeking any information that could provide insight in relation to the approach to planning and building and general observation with respect to Yorke Peninsula Council and other Councils.

The following sections outline the key points raised by the various parties interviewed.

#### 4.6.1.1. Elected Members

Almost universally, every Elected Member, with whom discussions were held was motivated for the good of the Yorke Peninsula Council as a whole.

The majority saw a need for economic development and diversity of the economy and the need to secure population and jobs. One Member, in particular, was also passionate about protection of the environment. Members were generally supportive of individual staff. There is clearly diversity amongst Councillors (as with many other Councils, and in line with a democracy) with strong and diverse views towards the discharge of planning.

Those supportive of the current approach acknowledge the benefit of continual improvement and believe this is going well. These people are also generally supportive of key staff as change agents and appear to be of the view that the Council Assessment Panel operates very well and is effective with “a high strike rate”.

Those who seek more major reforms have almost universally been approached by constituents experiencing concerns with a particular application. Some were seemingly quite historic going back ten or 20 years.

The key issues raised include:

- Inconsistency in decision making
  - » This seems to be particularly the case in and around Black Point where people seem to point to existing approved development for which they cannot achieve a similar approval
- Sheds
  - » Sheds seem to be an issue for a number of reasons:
    - Only small sheds gets planning approval (one particular application for a shed in Black Point was seemingly raised numerous times both from members and others)
    - Sheds generally do not get approval unless a house is already constructed
    - Wind loads seem to impact shed applications

- Toilets and waste systems
  - » The need for toilets seems to be causing difficulties for commercial premises
- Concern that for those applications that cannot achieve approval in Yorke Peninsula (for example light industry/commercial and other businesses), the Copper Coast Council falls over backwards to assist
- Coastal works and remediation works to the foreshore seem to be particularly problematic
- Correspondence all goes to the general administration email and not specifically to the staff member
- There are errors in reports
- It takes too long to get an approval and there is a feeling of needing to jump through hoops
- Focus on regulation and 'no' rather than looking to see how something can be achieved.
- Leave is not well covered.

Outside of specific applications-based issues, there appears to be a limited understanding of strategic and statutory planning and there is a view that whilst Members are engaged in strategic planning the administration leads the process. There is a view from many Councillors that the Development Plan is out of date and too city focused.

Councillors typically seem to have limited contact with staff in their roles as Councillor with direct relationships being with the CEO and Directors.

#### 4.6.1.2. Staff

The staff all were very willing to participate in the review, appeared to be frank and forthcoming with information.

Like the Elected Members, they displayed commitment to a sustainable and prosperous Yorke Peninsula Council and seem to take their jobs very seriously and take responsibility for discharging the Council's function and duties under the *Development Act, 1993* and other legislation and upholding the integrity of the Yorke Peninsula Council Development Plan.

Staff indicated the following:

- Sheds are an issue
  - » Big sheds because the policy typically contemplates domestic scale sheds.
  - » Sheds ahead of, or in the absence of, dwellings because there is concern (seemingly founded in their experience) that people will live in them, potentially contravening the National Construction Code and posing a compliance issue.
  - » Companies provide plans for sheds from a 'standard section range' that do not comply for building purposes with the higher wind ratings required for the Yorke Peninsula.
- Decks and verandahs at Black Point often do not comply with the Design Guidelines in the Development Plan
- Staff try very hard to assist people with applications and spend a lot of time negotiating but feel they cannot approve some applications that do not comply with the Development Plan
- Applications are often received with insufficient information and detail, and it was suggested that most applications require further information requests
- Many development forms are non-complying in the Primary Production Zone and cannot be approved.
- Professional and/or individual staff are responsible for all aspects of file management and if staff are busy or away items are not attended to. Some applications sit for a week or more waiting for lodgement
- Many development forms in the coastal areas are non-complying and the vulnerable environment especially the coast needs careful planning and management.
- Whilst they have delegation to refuse applications they do not do so outright preferring to negotiate with the applicant.

- Consider that not many applications are actually refused – mainly just non-complying ones
- There is no cover for leave, which mean applications just sit
- Probably need to undertake more compliance work
- If notices are issued, staff try to work with the person
- Been carrying staff shortages for an extended period; hard to recruit and retain staff, supported by contracts with consultancies in planning and building
- Do not provide system indicators as the record system is incapable of recording
- Staff believe applications are taking about 10 weeks at the moment
- Consider that decision making is consistent across the two offices and use standards and checklists
- Offices do come together for some meetings but offices do not have regular ‘office’ meetings
- Planners speak to each other over the phone and via email
- Consider the Development Plan is out of date in some respects
- Most staff have no direct interactions with Elected Members
- Most staff have no direct interactions with the local Progress Associations

#### 4.6.1.3. Key Persons identified to have keen interest

These people were largely referred to the process by Members who has been approached by them. For this reason it is not surprising that the key issues raised by these people almost mirror the areas of concerns expressed by Elected Members.

- In addition to the matters already raised by the Councillors, these people generally indicated the following:
  - A number expressly asked to stay anonymous due to a perception of potential retribution (no evidence to substantiate this claim was found)
  - Believe that is planning is approached more negatively within the Yorke Peninsula Council than elsewhere; notably Copper Coast
  - There is a lack of transparency
  - It was reported that companies suggest owners make the applications as the companies believe they are treated differently (there is no evidence to support this)
  - It was reported some companies will not operate within Yorke Peninsula Council
  - Advice varies between staff
  - Application of policy is too rigid
  - Consider all proposals for refusal should be put to CAP
  - Concerns that application details are not available to applicants ahead of meetings
  - Whilst examples were provided (possibly mirroring the examples cited by the Councillors) only one case was actually presented in detail

#### 4.6.1.4. Economic and Tourism Organisations

Economic development is important for the Yorke Peninsula as a whole and there are a number of State and Regional bodies with missions to foster economic growth and development.

Key industries include agriculture, health care and retail. Tourism is also an important sector and one with substantial growth potential.

Regional bodies indicate they have a key role in facilitating economic development throughout the region and on behalf of member Councils – indeed to an extent they see themselves as an extension of the member council in this respect and seek to work as a partner.

Collectively these bodies indicated:

- Nature based tourism provides a great opportunity for the Yorke Peninsula.
- Fostering nature-based tourism will require close working relationship with National Park's to seek opportunities for development within these parks.
- The shared economy i.e. Airbnb and Uber provide opportunities for the region.
- Inclusivity in tourism developments is expensive and can dissuade small operations.
- The need to provide toilets in cafes is a hardship to operators.
- Often operators don't have business plans which exacerbates problems.
- Roads are an issue in the area – this is more often a DPTI issue rather than a Council issue.
- Agencies do hear that approvals take a long time – this is however, across the board not just Yorke Peninsula Council.
- They believe that lack of understanding of the planning system (Planning and Building Regulations) amongst operators is a contributing factor to the identified and/or perceived problem.
- People can obtain help from these bodies for:
  - » Funding
  - » Grant applications
  - » Advice (they support people but don't do things for people)
  - » Business planning
  - » Connections with Council staff

#### 4.6.1.5. Consultants

These consultants assist councils with a variety of functions and have varying degrees of contact with Council from being, in effect, supplementary staff, to remote workers, to project-based input.

Key observations from this group indicates:

- Council is conservative with costs i.e. it avoids appeals and legal compliance if possible
- Levels of staffing mean Council seeks to achieve its building inspection policy but can't go looking for non-compliance.
- Council staff will respond to complaints (like all other councils)
- Universally the consultants' consider Council is under resourced in the Planning and Building function suggesting it needs at least one more planner. This is exacerbated by the fact that applications within Yorke Peninsula are typically more complex due to the extent of coastal areas (this is also exacerbated by extended staff leave).
- Council staff can be a bit black and white in terms of policy interpretation (noting this can happen when staff live and work in the Council area)
- Applications are more often than not incomplete, and staff struggle to get the required information to enable an assessment.
- Staff are helpful, in fact they are almost too helpful in that this adds to workloads which takes time
- Often seek to try and help when maybe an early 'no' would be a better approach
- Black Point is an issue:
  - » Applications push policy boundaries
  - » The design guidelines are not helpful or practical and are out of date
- Consider allegations of inconsistencies is probably true to the extent that previous staff members were very relaxed about departing from policy, whereas current staff are more rigid and consistent with one another

- Flag the following as upcoming policy issues
  - » Black Point
  - » Coastal areas
  - » Rural Living
- Suggest that aggrieved applicants go to Councillors rather than appealing the decision to Environmental, Resources and Development Court
- Believe staff support development, hence propensity to help applicants
- Believe there is a significant amount of unauthorised development in the Council area

## 4.6.2. Customer Service Survey

A Yorke Peninsula Council Development Services – Customer Service Survey is sent out to applicants with each Decision Notification Form (DNF). Staff advise that this is both in respect to applications that are approved and refused. The form is not sent out in respect of non-complying applications that do not proceed to an assessment. This survey is used to gauge the levels of satisfaction from the applicant and to assist the department to work towards continuous improvement. A copy of the survey questions is included in Appendix 3.

Between January 2019 and July 2019, nine (9) survey responses were received. The survey is voluntary and thus the number of survey receipted will not necessarily match the number of surveys sent out. That said, it is understood that this task is usually performed primarily by particular staff member. This member of staff was absent during this period and it appears as a result the form was in some cases overlooked.

Notwithstanding the small sample, it does nonetheless indicate that of those persons who did respond the majority indicated that in relation to their experience they were generally satisfied, satisfied above expectation or found the service to be exceptional. Importantly, not one person indicated that they were dissatisfied.

The following table shows the average rating to each of the question.

**Table 2.** Average rating to each question

Question	Totally Dissatisfied	Moderately dissatisfied	Satisfied	Satisfied and above expectations	Exceptional	N/A
Question 4 – If you used the Council’s internet, how would you rate the information available?	0%	0%	0%	22%	11%	67%
Question 5 – How satisfied were you with the service you received from Council?	0%	0%	22%	22%	56%	0%
Question 6 – Were any letters written by Council Staff clear and understandable?	0%	0%	11%	33%	56%	0%
Question 7 – Were you please with the time Council Staff took to assess your application?	0%	0%	22%	22%	56%	0%
Question 8 – Were Council Staff helpful with any queries you had during the approval process?	0%	0%	22%	11%	56%	11%
Question 9 – Was the development application form easy to understand and complete?	0%	0%	33%	33%	22%	11%
Question 10 – Was the information in Council’s information Packs useful?	0%	0%	33%	22%	22%	22%
Question 11 – Were any queries you had answered in a reasonable time-frame?	0%	0%	22%	22%	44%	11%

Question 12 – Were messages you left for Council Staff responded to in a reasonable time-frame?	0%	0%	33%	11%	22%	33%
Question 13 – Were you satisfied with the payment options available to you?	0%	0%	22%	33%	33%	11%
Question 14 – Was enough information provided in the development application park? If not, what would you like to see included?	0%	0%	11%	56%	22%	11%
Question 15 – If you attended at the Office (please indicate Maitland or Yorketown) did you find the staff friendly/professional in attending to your queries?	0%	0%	0%	0%	56%	44%
Question 16 – Did staff explain the need for any additional information required?	0%	0%	11%	44%	33%	11%
Question 17 – Were timeframes and the process explained to you regarding the assessment of your application?	0%	0%	11%	22%	44%	22%
Question 18 – Does this survey provide you with the opportunity to discuss your development assessment experience?	0%	0%	11%	33%	33%	22%

### 4.6.3. Survey Monkey – Public Survey

A custom online survey was developed via Survey Monkey to determine more broadly the perception of the operations of the Development Application process at Yorke Peninsula Council.

In line with the resolution of Council, a link to the Survey Monkey questionnaire was made available online the Council’s social media and website and via direct emails. A hard copy format was also offered at the Council’s office for participants without internet access. Mindful of Council’s communication policy, the survey ran for a period of just over 3 weeks from Friday 30 August 2019 until Monday 23 September 2019. A total of 219 responses were collected (218 were completed online and 1 hard copy was received).

The full survey incorporated 22 questions that included a mix of multiple-choice questions, check box type questions, a matrix rating scale question and free-text questions. Open ended responses were also provided for several questions to allow participants to provide additional information in relation to their answers.

A full copy of the Survey Monkey survey is provided in Appendix 4.

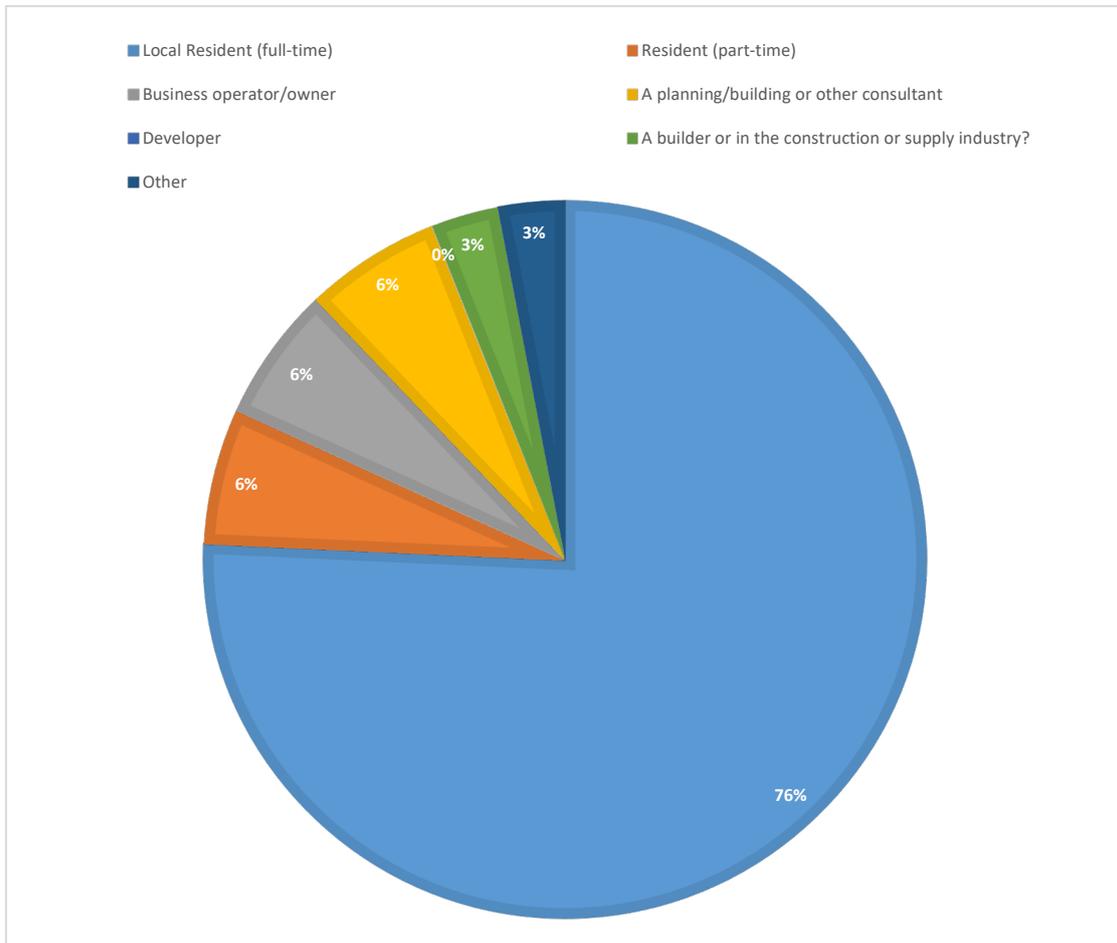
Ultimately, the survey process was designed to provide an overall indication of the perception of respondents to the Development Application process. The following is a summary of the information provided via survey responses.

#### 4.6.3.1. Profile of the Survey Respondents

There was a high level of community interest in this survey. The first question of the survey was designed to determine the characteristics of the persons who had filled out the survey. It was found that of the 219 survey respondents, approximately 86.3% (189 respondents) recorded they were either a local resident (66.7%) or a resident (part-time) (19.6%). Thirty respondents or 13.6% identified as either a planning or building consultant, business owner/operator, or a builder or in the construction/supply industry within the Yorke Peninsula area.

Figure 4 below provides a breakdown of respondents by category.

Figure 4. Category of respondents

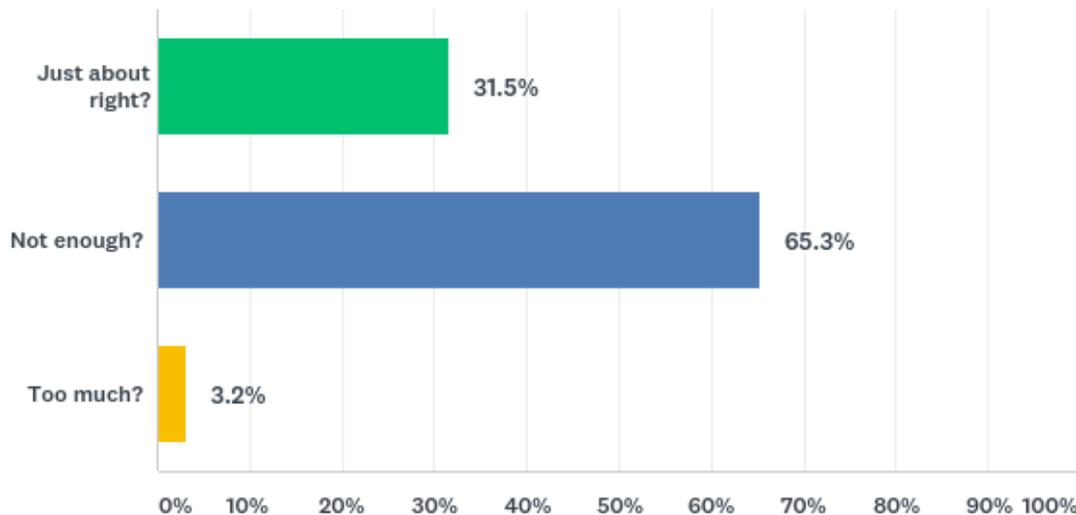


Overall this is a reasonable selection of respondents.

#### 4.6.3.2. Types of Development that survey respondents would like to see within Yorke Peninsula Council Area

Question 2 of the survey asked respondents whether there was ‘too much’, ‘not enough’ or ‘just about the right amount’ of development in the Yorke Peninsula area. Question 3 enabled respondents to further expand on their response. As illustrated in Figure 5, over half (65.3%) of respondents thought that there was ‘not enough’ development in the Yorke Peninsula Council area, while almost one-third (31.5%) of respondents thought that there was ‘just about right’ amount. Only 3.2% of respondents indicated they thought there was ‘too much’ development.

**Figure 5.** Views on the amount of Development in the Yorke Peninsula Council Area



Respondents who responded with ‘not enough’ recorded that this was either due to the policies used within the development assessment process, the ‘Council’ being ‘anti-development’ or the long and difficult process for assessing applications.

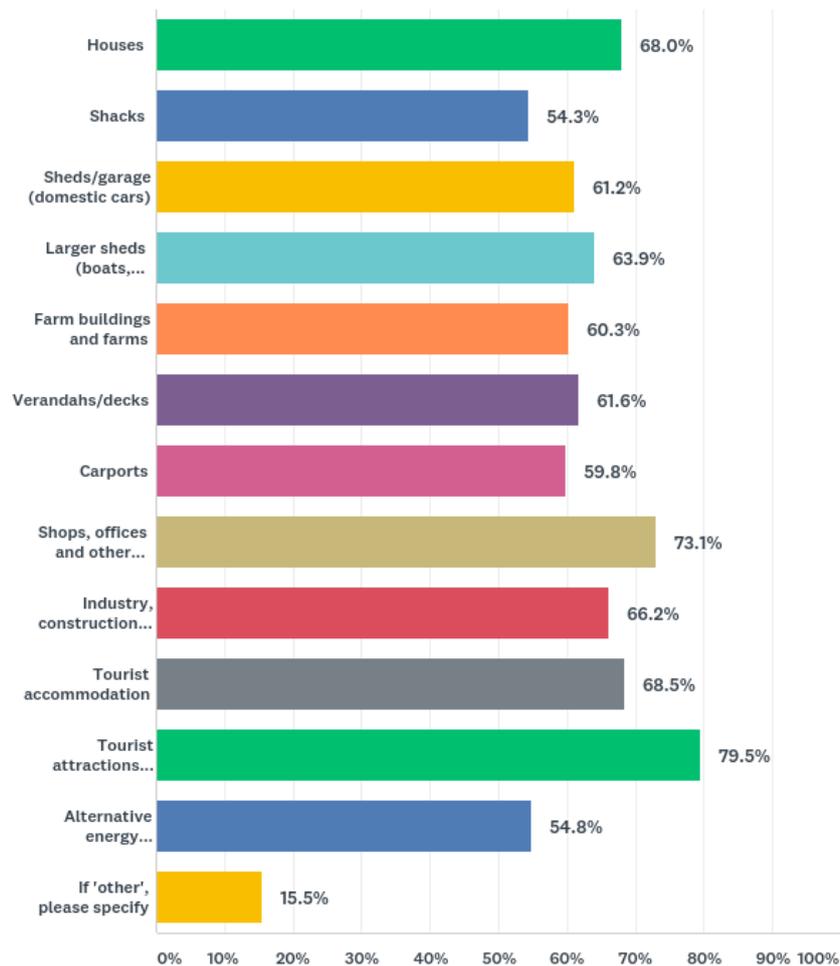
Interestingly, there was a fairly widespread belief that the Yorke Peninsula Council area needs more economic development to support local businesses, population growth and employment. Respondents answered this question in a manner that suggests there are additional opportunities for economic growth within the area.

#### 4.6.3.3. Type and location of appropriate development

Questions 4 and 5 asked respondents to select the types of development that would be appropriate for the Yorke Peninsula Council area and where these types of development should or should not be located. In relation to Question 4, respondents indicated a desire, fairly generally, for additional development as follows:

1. Tourist attractions (79.5%);
2. Shops offices and other general commercial (73.1%);
3. Tourist accommodation (68.5%);
4. Houses (68.0%);
5. Industry, construction and supplies/trade services (66.2%);
6. Verandahs/decks (61.6%);
7. Larger sheds (boats, caravans or storage) (61.2%);
8. Sheds/Garages (61.2%);
9. Farm buildings and farms (60.3%); and
10. Carports (59.8%).

Figure 6. Desired form of Development



Respondents also had the opportunity to express 'other' desired forms of development that they would like to see within the Yorke Peninsula area. Individual responses to 'other' include:

- Mines
- Open spaces, playgrounds and reserves
- Infrastructure upgrades such as roads
- Recycling plant
- Community Centres
- Child Care Centres
- Boat ramps, jetties and walking trails
- Housing diversity such as tiny houses, eco buildings, 2-bedroom homes to cater for special needs and the ageing population

With reference to Question 5 – 'Thinking about answer to Question 4, are there certain areas within the Council where some of these developments should not be allowed and/or would not be appropriate?' there was a view that developments need to be appropriate to the context of the area and assessed based on consideration of the circumstances (approximately 15.6% of responses). This was followed by 15.0% of respondents who felt that development of alternative energy generation facilities such as wind farms/solar, and/or mining should not occur

within residential areas, townships, primary production or farming zones. Furthermore, 15.0% of respondents felt that development along the coastline is not appropriate.

Other responses include:

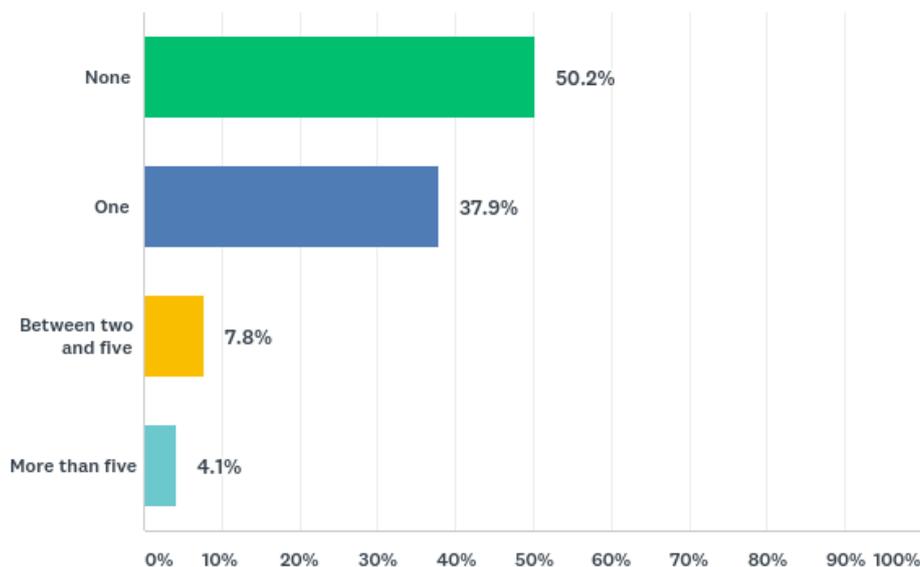
- Approximately 13.6% of respondents felt that development should not occur in highly sensitive environmental areas or areas of cultural heritage significance
- Approximately 7% of respondents made comments in relation to general development policy
- Approximately 5.5% of respondents felt that economic development within the Yorke Peninsula Council area should be increased
- Approximately 4.1% of respondents made a negative comment about Council, i.e. 'Council needs to listen to and act upon the views of the ratepayers who elect the councillors' or 'Council wouldn't undertake any of the above...'
- Approximately 4.1% of respondents felt that large scale projects should not generally be permitted across the Council area
- Approximately 4.1% of respondents indicated that key towns were not appropriate for development, or they required attention such as Port Julia, Warooka, Port Moorowie and Inneston
- Approximately 2.1% of respondents felt that industrial or large developments should not occur within residential areas
- Approximately 1.4% of respondents felt shipping containers are not appropriate for the area
- Approximately 1.4% of respondents felt that the State Government should handle all Major Projects within the Yorke Peninsula Council area; and
- Approximately 13% of respondents responded with 'other', non-specified.

#### 4.6.3.4. Views on the Development Application Process

Of the 219 survey responses, 49.8% of respondents (or about half) lodged one or more development applications (per year). The other half of survey respondents (50.2%) had not lodged a or responded (as a third party) to an application.

Figure 7 below is a graphic representation of responses.

**Figure 7.** Average number of applications per applicant lodged per year

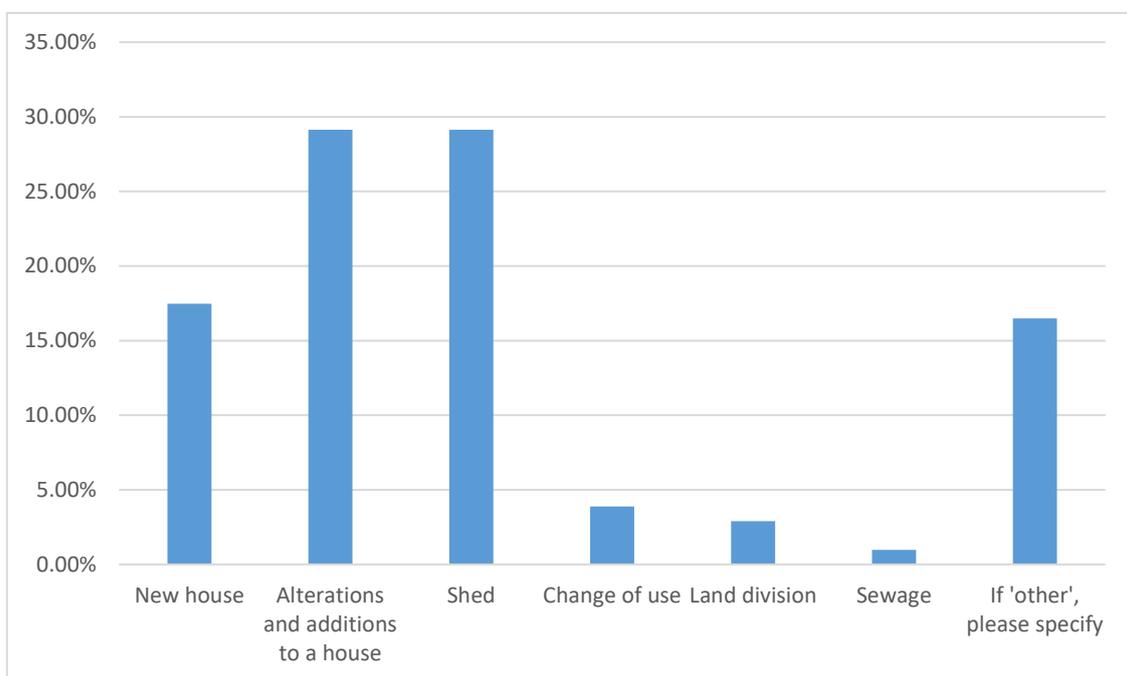


Those people 49.8% of respondents who have either lodged an application or participated as a representor were invited to answer a series of further questions.

Furthermore, Question 7 sought to clarify the type of applications with which the person was involved. Figure 8 below shows the results indicating that the majority of applications were for alterations and additions or a shed.

Indeed, of the 109 survey respondents who indicated they had lodged or responded to a development application within the Yorke Peninsula Council, over half (approximately 57.6%) referred to either a shed application or an application for alterations and additions (i.e. a house extension, verandah, carport, deck etc.). This correlates with the data that indicate a high proportion of survey respondents may have challenges or issues with shed applications or alterations and additions applications.

**Figure 8. Type of Application**



In addition, respondents who recorded 'other' types of applications that were not listed noted these as:

- Water Storage
- Shipping Container
- Council Development
- Businesses
- Signs
- Telecommunications
- Infrastructure such as public toilets and shelters
- Community Centre

Survey respondents were also asked to nominate their status. Nearly half of the respondents (49.0%) indicated they were land owners, 41.3% were either the applicant or person acting on behalf of the applicant and only a small percentage were representors (9.6%). This indicated that in subsequent questions the majority of the respondents were practically involved in the application process.

In addition, survey respondents were asked to identify the Council office which they dealt with (Question 10). Over half of the respondents (55%) dealt with the Council office in Maitland. A further, 35% of respondents dealt

with the Council office in Yorketown with 4% of respondents dealing with the Council office in Minlaton and 6% of respondents dealing with two or more Council offices.

Question 11 asked respondents whether the development application was classified as non-complying. More than half (57.7%), of the respondents answered the question. Almost one-third (31.7%) responded that the application was non-complying; this is considered to be a large number of non-complying applications. Just over 10% of people did not know whether the application was classified as non-complying.

To assist in qualifying their concerns, people were asked to identify the development application by the development application number with almost 53% indicating that they 'did not know' and nearly 38% responded that they 'preferred not to say'.

Question 13 asked survey respondents whether the development application was either 'approved', 'refused' or 'withdrawn'. The majority of the respondents (77.8%) indicated the application was approved. A further 18.3% indicated that the development application was refused with only 6.7% indicating that the application was withdrawn.

The main types of development that were refused included:

- New house
- Land Division
- Change of use
- Shed
- Alterations and additions to a house (i.e. extension, verandah, carport, deck)

The main types of development that were withdrawn included:

- New house
- Change of use
- Shed
- Alterations and additions to a house (i.e. extension, verandah, carport, deck)

Interestingly this indicates that application for dwellings, alterations and additions, sheds and changes of land use appear to be most problematic.

Nearly three quarters (74.7%) were approved. Of these, approximately 43.6% of persons responded that 'no changes were made' to the application to achieve approval. Approximately 41.5% of respondents indicated that in order to achieve development approval, changes to the original application were required to be made. These people indicated that key change was:

- Setback distances
- Minor amendments
- Multiple changes (that impacted the time and created frustrated applicants)
- Floor height or roof height
- Decreasing the size of shed

Common reasons for refusal or withdrawal of applications cited by respondents included:

- 'It was 'too hard''
- Development didn't meet guidelines or policy
- Too many conditions
- No correspondence

Of the survey sample, 12.6% of respondents indicated that application was considered by the Council Assessment Panel (CAP). Over half of the respondents (54.0%) did not know whether or not the application was considered by the CAP or dealt under delegation.

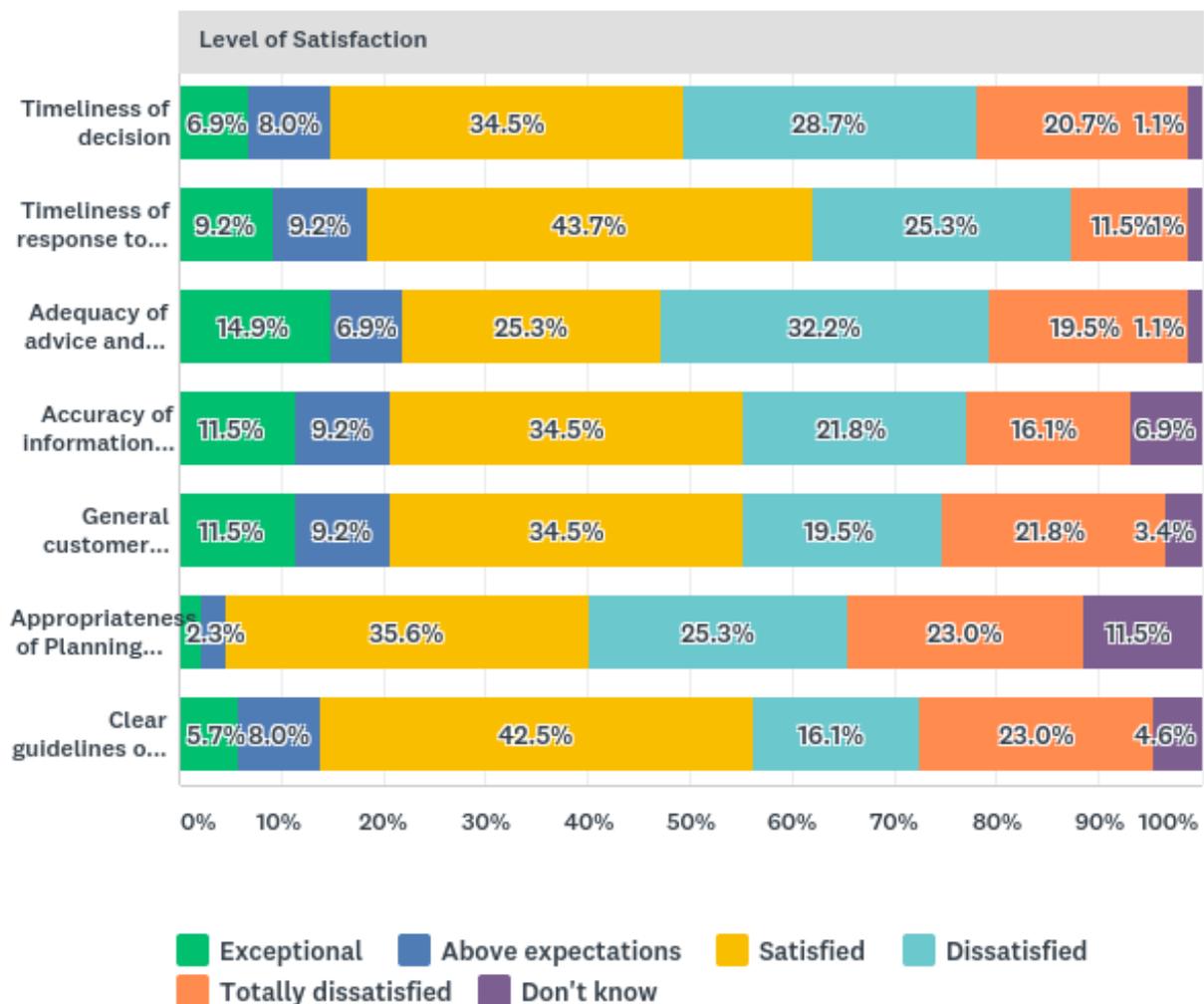
### 4.6.3.5. Customer Service Satisfaction

Question 16 asked survey respondents to indicate their level of satisfaction of Council's:

- Timeliness of decision;
- Timeliness of responses to correspondence/queries;
- Adequacy of advice and information provided by staff;
- Accuracy of information provided by staff;
- General customer experience;
- Appropriateness of Planning Policy; and
- Clear guidelines on how to proceed.

A total of 87 people responded to this question. The results are as set out in Figure 9 below.

Figure 9. Level of satisfaction



Consolidating these responses, indicated that in the main, satisfaction levels exceeded 50% with the exception of:

- Adequacy of information (47.1%)
- Appropriateness of planning policy (40.2%)

See Table 3 below for details.

**Table 3.** Analysis of Question 16

	Level of Satisfaction		
	Satisfied	Dissatisfied	Don't Know
Timeliness of decision	49.4%	49.4%	1.1%
Timeliness of responses to correspondence /queries	62.1%	36.8%	1.1%
Adequacy of advice and information provided by staff	47.1%	51.2%	1.1%
Accuracy of information by staff	55.2%	37.9%	6.9%
General customer experience	55.2%	41.3%	3.4%
Appropriateness of Planning Policy	40.2%	48.3%	11.5%
Clear guidelines on how to proceed	56.2%	39.1%	4.6%

Question 17 asked respondents to further clarify/expand on their response to Question 16. This information indicated a mix of positive and negative responses. Positive responses related included:

- Staff being polite
- Staff being helpful and knowledgeable; and
- Staff being responsive.

Negative responses rereferred:

- Lack of correspondence
- Decision-making process is slow, inflexible and inconsistent; and
- Planning policy is not the right fit for the context of the area.

Survey respondents were then asked whether they have dealt with another Council in relation to a development in the past two years and, if so, to identify the Council (Question 18). Fifteen people responded that they had dealt with the following Councils:

- Adelaide City Council
- Adelaide Hills Council
- Alexandrina Council
- Barossa Council
- City of Charles Sturt
- City of Marion
- City of Prospect
- City of Salisbury
- Copper Coast Council
- General - Adelaide Metropolitan Councils
- City of Norwood, Payneham and St Peters and areas of Victoria

- NT Government Town Councils
- Wakefield Regional Council

These responses indicated that the experience with other Councils was generally better when compared with the Yorke Peninsula Council.

Specifically, respondents reported these other Councils were:

- 'pro-development', 'encourage development' or are progressive thinking
- Clear and consistent
- Realistic understanding of what the applicant needs to provide
- Faster response time

To capture experiences pertaining to other applications in the case of persons lodging more than one application, Question 20 asked survey respondents, to think back to other applications made and to consider and report as to whether this would change any of their responses and, if so, how and why. Twelve (12) responses were received and relate to:

- Council being 'anti-development'
- Inappropriate planning policy
- Timeliness of decision and process

Responses stated:

- » 'The service has been consistently good quality' and 'our first application several years ago was dealt with professionally and very quickly'
- » 'We had clear communication throughout the process and were happy with the result'
- » I don't believe that the planning officer involved is currently still working at the council'

The final question, Question 21 was an open-ended question to enable survey respondents to make any other comments in relation to the survey. This question included a mix of positive and negative feedback with some respondents providing generalised suggestions for improvements.

Positive feedback included:

- Great customer service
- Staff being helpful
- Smooth development process

Negative feedback indicates views that:

- Council is 'anti-development' and needs to be progressive
- Inconsistencies between decisions and on-ground development
- Planning policy being too restrictive
- Timeliness of the process and decision-making
- The need for more qualified and educated staff

Notably, there were many comments relating to a desire for increased economic development and job growth. Some respondents expressed the view that the development process may be preventing economic development within the Yorke Peninsula Council area. Examples of such comments include:

- 'Need development ideas to create employment'
- 'I would love to see more businesses and events in the area, for both locals and tourists...'
- 'Identify projects creating real, long term employment...'
- 'There have been many proposed business developments that have given up on doing business in the council area over many years because of delays and a poor approach to creating diversity...'

- ‘...we need better planning and more business in the area. This should not be a frustrating process and council need to back local businesses not say no to developing them.’

## 4.7. Benchmarking with Similar Councils

### 4.7.1. Staffing

To seek to understand the adequacy level of staffing at Yorke Peninsula Council, staff levels at comparable Councils (by size and location) was undertaken.

Similar Councils selected include:

- Copper Coast Council
- Barunga West
- Wakefield Regional Council

Table 4 below shows the number of professional planning and building staff at each Council

**Table 4.** Number of Staff member (FTE) within selected Councils

Council	Planning + Building Staff (FTE)	
Yorke Peninsula	3 (reflects the current vacant)	4 (FTE)
Copper Coast	3.8	
Barunga West	1.2	
Wakefield Regional	1.6	

Source: [coppercoast.sa.gov.au](http://coppercoast.sa.gov.au), [barungawest.sa.gov.au](http://barungawest.sa.gov.au) and [wakefieldrc.sa.gov.au](http://wakefieldrc.sa.gov.au)

Table 5 below shows the professional staff numbers by Council relative to the total number of development application.

**Table 5.** Approximate Number of Development Applications per staff member within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019

Council	Planning + Building Staff (FTE)		Number of Development Applications Lodged between 01 January 2019 to 30 June 2019	Approximate Number of Development Applications per staff member (6 months)		Approximate Number of Development Applications per staff member (12 months)	
Yorke Peninsula	3 (Actual)	4(9FTE)	223	74	56	≈148	≈112
Copper Coast	3.8		227	60		≈120	
Barunga West	1.2		69	58		≈116	
Wakefield Regional	1.6		81	51		≈102	

Source: [coppercoast.sa.gov.au](http://coppercoast.sa.gov.au), [barungawest.sa.gov.au](http://barungawest.sa.gov.au) and [wakefieldrc.sa.gov.au](http://wakefieldrc.sa.gov.au)

This indicates that the Yorke Peninsula Council staffing arrangement are relatively similar with the comparison Councils selected, albeit the workload is slightly higher with the current vacancy but would be moderate without the vacancy.

## 4.7.2. Development Applications

Pursuant to Regulation 98 of the *Development Regulations 2008* Councils must record all development applications lodged through the Development Application Register.

To understand how many development applications have been lodged, approved, refused, withdrawn or lapsed, an analysis of the Yorke Peninsula development application determination report was conducted between 01 January 2019 to 30 June 2019. This was generated via the 'Authority' system (received 01 August 2019).

Further, the Yorke Peninsula development application determination report was benchmarked against the Development Application Registers of the comparison Councils (available online).

The data has been cleaned of any duplicates or system errors as far as is practicable and therefore is considered to be representative for comparison purposes.

### 4.7.2.1. Development Applications Lodged

A summary of the number of development applications lodged at Yorke Peninsula Council between 2014 and 2018 is shown below (refer to Table 6).

The number of development applications decreased by 94 development applications between 2014 and 2018, representing a decrease of - 21%.

**Table 6.** *Number of Development Applications lodged at Yorke Peninsula Council between 2014 and 2019 (until 30 June 2019)*

Year	Number of Development Applications lodged
2014	539
2015	518
2016	515
2017	486
2018	445
2019 (01 Jan 2019 – 30 June 2019)	223 (6 months)

A review of all applications determined between 01 January 2019 and 30 June 2019 within Yorke Peninsula Council indicates:

- 199 applications were determined;
- 179 applications were approved (89%);
- 10 applications were refused (5%);
- 5 applications were lapsed (3%); and
- 6 applications were withdrawn (3%).

Tables 7 to 10 below shows results for Yorke Peninsula Council compared to the comparison Councils in terms of the determination of development applications and the time taken.

**Table 7.** Summary of Development Applications that were Determined within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019

Council	Approved (Full DA)		Refused		Lapsed		Withdrawn		Applications Determined between 01 January 2019 to 30 June 2019
<b>Yorke Peninsula</b>	178	89%	10	5%	5	3%	6	3%	<b>199</b>
<b>Copper Coast</b>	283	95%	4	1%	2	1%	10	3%	<b>299</b>
<b>Barunga West</b>	44	92%	0	0%	2	4%	2	4%	<b>48</b>
<b>Wakefield Regional</b>	89	95%	4	4%	1	1%	0	0%	<b>94</b>

Source: coppercoast.sa.gov.au, barungawest.sa.gov.au and wakefieldrc.sa.gov.au

This data indicates the Yorke Peninsula Council does have a slightly higher refusal rate and slightly lower approval rate when compared to similar Councils.

**Table 8.** Number of Land Division - Development Applications that were Determined within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019

Council	Land Division (Approved)
<b>Yorke Peninsula</b>	3
<b>Copper Coast</b>	7
<b>Barunga West</b>	2
<b>Wakefield Regional</b>	2

Source: coppercoast.sa.gov.au, barungawest.sa.gov.au and wakefieldrc.sa.gov.au

**Table 9.** Average Number of Days (Working Days) - Development Applications that were Determined within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019

Council	Approved (Full DA)	Withdrawn	Refused	Lapsed	Land Division
<b>Yorke Peninsula</b>	77 days	317 days	299 days	1897 days	116 days
<b>Copper Coast</b>	78 days	316 days	687 days	616 days	84 days
<b>Barunga West</b>	77 days	35 days	0 days	500 days	123 days
<b>Wakefield Regional</b>	67 days	0 days	272 days	1513 days	127 days

Source: coppercoast.sa.gov.au, barungawest.sa.gov.au and wakefieldrc.sa.gov.au

The *Development Act, 1993* provides timeframes for the assessment of development applications. A standard application requiring both planning and building approval without referrals is allowed 84 calendar days (60 working days) pursuant to the legislation. Using this as a guide all of the comparison Council's average processing time comes in under the 84 calendar days.

Table 10 below shows the percentages of applications determined within and outside this time frame.

**Table 10.** *Planning + Building – 60 Days - Summary of Development Applications that were Determined within Yorke Peninsula Council and selected Councils between 01 January 2019 to 30 June 2019*

Council	Approved Applications (Full DA)	60 days or less		Over 60 days	
		No. of applications	%	No. of applications	%
<b>Yorke Peninsula</b>	178	109	61%	69	39%
<b>Copper Coast</b>	283	187	66%	96	34%
<b>Barunga West</b>	44	30	68%	14	32%
<b>Wakefield Regional</b>	89	64	72%	25	28%

Source: [coppercoast.sa.gov.au](http://coppercoast.sa.gov.au), [barungawest.sa.gov.au](http://barungawest.sa.gov.au) and [wakefieldrc.sa.gov.au](http://wakefieldrc.sa.gov.au)

This demonstrates that the average time taken extends given the extensive time allocated to those applications that are not approved.

From the above review it can be seen that on average:

- Yorke Peninsula Council approves 89% of applications in comparison with 95% at Copper Coast Council and Wakefield Regional Council and 92% at Barunga West Council. People claim that the Copper Coast Council approves more applications than Yorke Peninsula and this would indicate that this is indeed the case with 6% fewer approvals in the Yorke Peninsula Council.
- Yorke Peninsula Council refuses 5% of applications in comparison with 4% at Wakefield Regional Council, 1% at Copper Coast Council and 0% at Barunga West Council. Compared to the Copper Coast Council the Yorke Peninsula numbers indicate that an additional 4% of applications are refused in the Yorke Peninsula Council area.
- Yorke Peninsula Council lapses 3% of applications which is on par with Copper Coast Council and in comparison, with 4% at Barunga West Council. It should be noted that this period included the period at the Yorke Peninsula Council here additional applications were lapsed due to the housekeeping undertaken to remove old applications from the books.

## 4.8. Summary of Key Issues

Arising out of this research and interviews, the following key issues have emerged.

1. The length of time taken to process an application, although this appears to be relatively consistent between the comparison councils.
2. Inconsistency in decision making (i.e. there are examples of development on the ground that are the 'same' proposals now being refused).
3. Agenda items and plans are not publicly available (this has subsequently been addressed and items are now available online)
4. Lack of negotiation in process / policy is too rigidly applied.
5. The process is 'too hard' or 'difficult' applicants walk away.
6. Applications (deemed reasonable) are refused / too many applications are refused.
7. Difficulty in obtaining and retaining staff.
8. Lack of detail provided with application causing delays.
9. Planning policy is out of date / disconnect with Council strategic plans and visions.

10. Negative stigma and reputation around gaining planning approvals within the Yorke Peninsula Council.
11. Propensity for the planning system to be used for management of broader Council responsibility.
12. Need to consider the merit of engaging an engineer as a member of staff.

## 5 – ANALYSIS OF KEY ISSUES

## 5. Analysis of Key Issues

Arising from the investigations a number of matters have been raised that require further analysis. These issues are outlined in Section 4.8. Each one is now addressed in detail in this section.

### 5.1. The length of time taken to process an application

The length of time taken to assess and determine an application is a recurring theme brought the attention of this review.

Part 8 (Determination of an application) of the *Development Act, 1993* and Regulation 41 of the *Development Regulations, 2008* provides time within which decision must be made in respect to various classes of development as follows:

*(1) Pursuant to section 41 of the Act, and subject to these regulations, a relevant authority should deal with an application under Division 1 of Part 4 of the Act within the following periods (calculated from the date of receipt of the application by the relevant authority):*

*(a) if—*

*(i) the application only seeks development plan consent; and*

*(ii) the proposed development is of a kind prescribed as complying development under these regulations or the relevant Development Plan,*

**2 weeks;**

*(b) in any other case where the application only seeks development plan consent, other than where the application relates to a proposed development that involves the division of land—***8 weeks;**

*(c) if—*

*(i) development plan consent has been obtained (or is not necessary); and*

*(ii) the application only seeks building rules consent (and no other consent); and*

*(iii) the building falls within the Class 1 or 10 classification under the Building Code,*

**4 weeks;**

*(d) in any other case—***12 weeks,**

*subject to the qualifications that—*

*(e) if—*

*(i) paragraph (a), (b) or (c) applies; and*

*(ii) the application must be referred to a prescribed body under section 37 of the Act for a report or directions (but not concurrence),*

***an additional period of 6 weeks,*** plus any extension of time under section 37(3) of the Act (or, if more than 1 such extension of time is given, a period equal to the longest extension), must be added to the relevant period that applies above;

*(f) if the application must be—*

*(i) referred to the Development Assessment Commission, the Minister or a council for concurrence under section 35(3) of the Act; or*

*(ii) referred to a prescribed body under section 37 of the Act for concurrence, **an additional period of 10 weeks**, plus any extension of time required by the Development Assessment Commission, the Minister or a council for the purposes of section 35(3) of the Act, or any extension of time under section 37(3) of the Act (or, if more than 1 such extension of time is given, a period equal to the longest extension), must be added to any period that applies above;*

*(g) if the application must be referred to the Building Rules Assessment Commission under section 36 of the Act—**an additional period of 2 weeks** must be added to the period that applies above;*

*(h) if the application must otherwise be referred to another body for report under these regulations, or another body is entitled to report on the application under these regulations—**an additional period equal to the time within which a report must be made by the body under these regulations in order to be taken into account for the purposes of any assessment must be added to the period that applies above.***

In summary, this means:

- Complying applications (Schedule 4) must be decided in 14 calendar days
- Applications for Planning Consent only (excluding land division) must be determined in 56 calendar days
- For class 1-10 (buildings) for which planning approval has been granted or is not required that Act allows 28 calendar days
- An application for planning and building consent must be determined in 84 calendar days.

In some cases for the above, this time frame is extended by 42 days if a referral to a state agency is required. An application requiring SCAP concurrence has an additional 70 days with a referral to the Building Rules Committee for an extra 14 days.

In Section 4.7 above, indicates that average approval timeframe for Yorke Peninsula is on average 77 days. This falls within the timelines envisaged by the Act. Being an average however, there are nonetheless applications for which the assessment timeframe falls outside this period to varying degrees.

With the new planning system any applications not determined within the prescribed timeframe will be deemed consented. The electronic portal nature of the system will record and monitor the program of application and applicants will be able to monitor program online. The new system will improve record keeping and will assist to monitor timeframe compliance.

## 5.2. Inconsistency in decision making

Inconsistency in decision making came up widely through the surveys and discussions with key persons. Many people referred to refused applications contending a similar development has been constructed elsewhere in close proximity. This seems particularly prevalent in Black Point and specifically in relation to decks and verandas.

The Division and consultants however, indicated that current staff go to great lengths to ensure consistency. Anecdotally and from discussions with staff, there seems to be a very strict adherence to the design principles that apply in this area. It was acknowledged by some however, that the design guidelines may not actually achieve the outcomes intended. It was also suggested that previous staff may not have been as strict in their interpretation of and adherence to these. This would be consistent with people's perception that decision making is inconsistent albeit across time.

There is talk of preliminary work being undertaken in relation to Black Point to review the policy settings.

Given there is no rule of precedence in planning, i.e. each application must be tested upon its own merits. Planning decisions can sometimes appear to be inconsistent, as the decision is always one made on balance with the policy suite considered in totality and in the context of the specific circumstances of the application, i.e. the

site, what is around it, what is already on the site etc. Furthermore, planning judgements do have elements of subjectivity.

It would appear from this review that the current staff are taking a very strict approach to quantitative metrics in the Development Plan whereas perhaps previously staff have been more liberal. This seems to be a key issue and potentially suggests a shift in the application of policy could be warranted.

### 5.3. Agenda items and plans are not publicly available

A number of people mentioned that the agenda was not publicly available online. The Agendas are now publicly available.

A number of respondents also expressed concern that proposal plans are not included in copies of the Council Assessment Panel agenda. Regulation 34 (public notification) provides that copies of applications should be available for inspection as follows.

*Regulation 34 – Public inspection of certain applications:*

*For the purposes of section 38 of the Act, the relevant authority must, in respect of any application for consent in respect of the Development Plan for a Category 2 or 3 development, ensure that copies of—*

*(a) the application; and*

*(b) any supporting plans, drawings, specifications or other documents or information provided to the relevant authority under section 39 of the Act; and*

*(c) if applicable, any statement of effect that has been prepared in accordance with these regulations, are reasonably available for inspection (without charge) by the public at the principal office of the relevant authority for the period commencing on the day on which notice of the application is first given under these regulations and ending on a day by which written representations must be lodged under regulation 35.*

During the public notification period the plans must be made available in accord with the above.

Some Councils make copies of all the application details including plans available on their websites. They may also then provide full copies of the agenda (including reports and plans) online.

However, some Councils choose only to notify applications strictly in accord with the legislative requirements set out above. Typically, these Councils also do not provide the plans online even if they publish the CAP agenda and reports. This approach is typically followed to manage copyright obligations.

Whether or not the plans should be included for viewing, download or in hard copy as part of an agenda item is therefore a matter of balance, the need to respect copyright versus the community's rights to access information. Some Councils have taken legal advice on the issue.

The approach now taken is considered reasonable.

### 5.4. Lack of negotiation throughout the development application process/policy is too rigidly applied

Anecdotal information seems to indicate that if an application is not in accord with one of the key metrics it will be refused or recommended for refusal and there is no negotiation.

Speaking to people in respect of the application of policy including staff it would appear that there is a strict application of planning policy. This appears to especially be the same case where the Development Plan includes numerical standards.

The policies in the Development Plan are to be used as a guide with any given development application being tasked against these and 'on-balance' either being considered to meet the policy sufficiently and them being approved or not being considered to meet the policy in adequately and them being refused.

Whilst numerical provisions are no less or more important generally than non-numerical provisions it is easier to quantify any departure and this can lead to them, in effect being attributed more weight.

The other area where there appeared to be a particularly rigid application of policy is in respect if applications for land uses listed as non-complying.

Non-complying land uses are designed within zone in respect of land uses generally considered to not be contemplated in the zone. The *Development Act, 1993*, however does set out a process for assessment and subject to a favourable assessment against the relevant provision of the Development Plan does enable a non-complying land use to be approved. That said, it is reasonable to expect more non-complying application to not proceed to a successful assessment than other forms of development. Within the process for an application for a non-complying land use. This is a mechanism for an early 'no'. This is designed to save the prospective applicant time and money i.e. circumstances where there is no prospect of an approval. In such circumstances negotiation is usually not profitable. Interestingly staff have a delegation to refuse to proceed to an assessment. In many Councils, this decision would be reserved for the CAP to enable the applicant a double opportunity for the matter to proceed to an assessment, given there are no application merit appeals in respect of a non-complying application.

Under the new system, there is no non-complying development. The vast majority of applications will be code assessed. Some forms of current non-complying development may be listed as restricted development under the code and such application will be assessed by the State Planning Commission – State Commission Assessment Panel (SCAP).

In respect of claim that staff are disinclined to negotiate there would tend to be evidence to the contrary. Firstly, information from staff and consultants indicates there is a willingness and propensity to negotiate. Staff indicate that departure from the policy however can result in a negotiated position to being able to be reached – this seemed particularly in the case of shed, decks and verandas and specifically in relation to size.

The fact that there are allegations of the assessment process taking too long, the analysis of the actual data indicate negotiations are taking place as distinct from a quick outright decision to refuse an application.

## **5.5. The process is 'too hard', 'difficult' or 'slow' that applicants walk away**

A common concern raised in this review was that builders/applicants have suggested that they 'refuse' to deal with the Yorke Peninsula Council due to the lack of timeliness, coordination, slow process and restricted in terms of guidelines within the Development Plan which in turn affects the ability to develop. Late requests for additional information can add costs and lengthen the approval process leaving applicants in a financial and competitive disadvantage.

The benchmarking exercise would indicate that in terms of timeliness the Yorke Peninsula Council is comparable in terms of timeliness with other Councils. It does, however, seem to refuse a slightly higher number of applications.

It would appear that staff are often presented with substandard applications, and this leads to the need for extensive negotiations and additional time to be taken to complete the assessment.

## **5.6. (Reasonable) applications are refused**

This is a very difficult assertion to quantify within the scope of this review. It is considered that examples of developments that have been refused that potentially warranted approval have been presented as part of this review. However, likewise applications that seemingly departed significantly for the planning policy were also put forward as development that should have been approved.

It is considered that there is a propensity to judge a proposal of a narrow suite of numerical provisions contained within the Development Plan.

## 5.7. Difficulty in obtaining and retaining staff

Consultation indicates that the Yorke Peninsula Development Department is currently under-resourced. This is somewhat not true when compared to staff in relation to DA numbers at comparative Councils.

In recent times, staff numbers have been impacted by a number of staff being on long term leave. Covering placements for a 12-month period can be difficult and there is a risk of subsequent resignations if a more permanent or long-term position comes available elsewhere. Moreover, suitably qualified people often live outside the broader Yorke Peninsula area, which brings the need for travel or relocation into the mix which is another factor that may impact Councils ability to attract staff.

Replacement of staff results in:

- Downtime to accommodate training
- Prospective loss of corporate knowledge
- Potentially higher workloads for remaining staff

Yorke Peninsula Council does appear to have been effective in using consultants to address overflow workloads. Given the same consultants have been assisting Council for some time there are now benefits and efficiencies to be achieved in terms of existing knowledge of the area and Council system and processes.

External consultants can also bring alternative and diverse experiences that may be used to assist council with its continual improvement.

To attract and retain staff, Yorke Peninsula Council could look at:

- Shared arrangements with neighbouring Councils; and
- Incentives for staff to come and remain with Council.

That said, some level of staff turnover is healthy for any organisation.

## 5.8. Lack of detail provided with application causing delays

Without undertaking a detailed review of many applications, it is difficult to quantify this assertion. However, this matter was certainly raised by numerous key stakeholders. The information provided in the information sheets seems to clearly pick up on the issue of information to be required with an application which would indicate it was a key consideration for the people/person preparing those sheets.

Based on experience, lack of information is relatively common across Councils, especially in areas where numerous applications are made by supply companies (companies that sell sheds, carports, verandas etc with standards plans and documentation) and builders. The information provided in these cases is typically targeted to a building approval as distinct from a planning approval and is designed to meet the requirements of the common situation. Often therefore, this standard information does not address site or location specific matters such as slope, unusual soil types and higher wind loads.

Lack of information is also associated with longer processing times and given the above concerns this would support a claim of lack of information.

The *Development Act, 1993* does provide that an authority can lapse an application that is languishing, as per Part 4 Clause 22 of the *Development Regulations, 2008*.

### 22—*Withdrawing/lapsing application*

*(1) If an application is withdrawn by the applicant under section 39(9) of the Act, the*

*relevant authority must notify—*

- (a) any agency to which the application has been referred under Part 5; and*
  - (b) any person who has made a representation in relation to the application under Part 6,*
- of the withdrawal.*

*(2) A relevant authority may lapse an application for a development authorisation under Part 4 of the Act if at least 2 years have passed since the date on which the application was lodged with the relevant authority under the Act.*

*(3) A relevant authority must, before it takes action to lapse an application under subregulation (2)—*

- (a) take reasonable steps to notify the applicant of the action under consideration;*
- and*
- (b) allow the applicant a reasonable opportunity to make submissions to the relevant authority (in a manner and form determined by the relevant authority) about the proposed course of action.*

Staff have advised that recently they have lapsed old applications. This tends to indicate there are incomplete assessments which do often coincide with lack of information.

Under the new planning system, the electronic portal will hopefully clarify the information requirements for all persons interacting with the system. Whilst manual lodgement will be available, the portal will still assist council staff to express the need for the require details.

## **5.9. Planning Policy is out of date/disconnect with Councils Strategic Plan and Vision**

There appears to be a general consensus that aspects of the Development Plan are 'out of date' and also that Development Plan Policy does not align with current community aspirations

Considering the nature and type of complaints being levelled at the system it would appear there is some veracity to this view.

The Development Plan has been updated regularly but this appears to have been on a spatial basis, town by town, as distinct from an issue basis. It also appears as though the template provided to assist Council to undertake the statutory Section 30 Review perhaps guided the process towards the identification of proposed amendments with insufficient consideration of the strategic context and in particular, the Council's strategic plan and vision. In terms of the preparation of the Council's strategic plan, it appears as though there is no specific process for inputting any learnings from the Development Division. In reviewing the two documents at a high level, it does appear there is some of a disconnect.

Aligning the two documents will be helpful, although they can be develop such as in lodgement the DPA process is not largely discontinued, under the new planning system Council will be able to amend the Planning and Design Code (with relevant approvals) and it is therefore suggested that in the next phase of Council's strategic planning it crystallises its view on key economic, environmental and social planning matters to enable an informed programme of Code amendments.

Alignment of community expectation with development decisions will over time reduce angst with the planning system and will enhance the local economy.

## 5.10. Negative perceptions of Planning

The findings of this review indicate that there is a degree of negativity attached to planning outcomes within the Yorke Peninsula Council.

As outlined earlier, the uncontrolled nature of inputs arising from the underlying survey methodology means the extent of this perception cannot be quantified.

Whilst it is likely to appear overstated through this review there is nonetheless a group for whom concerns exist. These concerns may be allayed by:

- Review of Planning Policy to more closely align to community aspirations
- Increasing exposure of planning staff to strategic decision of council; and
- Using the introduction of the new planning system as a reset point.

## 5.11. Propensity for the planning system to be used for management of broader Council responsibilities

Councils have a wide range of function and duties under the *Local Government Act, 1999* as well as numerous other pieces of legislation.

For example, Councils are responsible for:

- Food premise inspection;
- Compliance with development authorisation;
- Sewerage and sanitation; and
- Management of council land and council assets.

There appears to be a fairly wide spread propensity for Councils, and especially rural and regional Councils, where resources are limited, to head off issues via the planning system to avoid later problems.

A good and widespread example of this is not approving sheds ahead of dwellings. The rationale varies but seems to include:

- Encouraging population growth via dwellings;
- Reducing sanitation issues/complaints from people living in sheds; and
- Reducing the likelihood of any violation of the Building Code.

Council information provided on the website to prospective applicants and its referral process internally for some types of applications indicates this is an approach undertaken by the Yorke Peninsula Council.

Whilst at some level, this is not strictly the intent of the system, the system of regulation is out in place to manage public health and safety and ensure orderly and economic development.

The new planning system may assist Council in this regard as provides more options for cost effective compliance and enforcement including expiation.

Being able to expiate an offence may enable more approvals of certain types of developments in the knowledge a breach can be expiated which reduces the costs of enforcement proceedings and acts as a deterrent to breaching an approval in the first place.

## 5.12. Need for an engineering position as staff

Other comparative Councils do not have a structural engineer as staff (Copper Coast contracts external engineers and Wakefield Regional Council does not have an engineer).

Yorke Peninsula Council relies upon a contractor to provide such services.

Whilst some responses indicate that not having an engineer has held up an application this cannot be verified. The contract engineer arrangement should be able to deal effectively with building applications

It is suggested beyond ensuring a full complement of staff in the Development Division, the Council may benefit from an economic development office/case manager. Such a person could input into Council's strategic plan and vision with applicants assisting them to contact with the relevant persons in the planning department.

## 6 – FINDINGS

## 6. Findings

Key findings of this audit are summarised below.

- There appears to be some disconnect between the Development Plan policy and Council's Strategic Management Plan.
- A number of policy implications arose during the research and investigations. Many survey respondents as well as staff claimed that the policies within the Yorke Peninsula Development Plan are highly complex, lack certain and consistent decision framework and are associated with unpredictable fees or charges.
- It appears as though a very strict approach is taken with respect to the application of specific policies in the Development Plan and especially those with numerical tests and also non-complying applications.
- There is likely to be inconsistency between current planning approaches and previous planning approaches and this is possibly due to the subjective nature of planning.
- There appears to be a propensity for the planning process to be used to address broader Council issues, such as future complaints, or persons living in sheds, and other licensing and regulatory matters e.g. the management of the Council infrastructure and assets.
- There are pockets of the community that are concerned with the planning system.
- The time to make a decision exceeds the statutory requirements in cases but is on average less than the average 84 days allowed for an application to achieve planning and building consent and the Yorke Peninsula Council is on par time wise with comparable Councils:
  - » A review of the development application register for the Yorke Peninsula Council, between 01 January 2019 and 30 June 2019 indicates that the Yorke Peninsula Council takes on average of 77 working days to determine an application compared with:
    - 78 working days at Copper Coast Council
    - 77 working days at Barunga West Council
    - 67 working days at Wakefield Regional Council.
- Staffing issues, especially long-term leave has impacted the Department output, notwithstanding the Council does not appear to be understaffed (in terms of its full complement FTE when compared to other similar Councils).

## 7 – IMPLICATIONS OF *PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016*

## 7. Implications of *Planning, Development and Infrastructure Act, 2016*

In 2016, the Parliament passed the *Planning and Development and Infrastructure Act, 2016*.

The Act was introduced as a Bill in 2015 in response to the findings of the Expert Review Panel, which undertook an extensive review of the State's planning system. This include broad consultation including a State-wide road-show to understand the implementation and outcomes of the planning system pursuant to the *Development Act, 1993*.

The then government responded to the Review findings indicating how it intended to address the findings. The key response document via the Planning, Development and Infrastructure Bill, 2015. Passed with amendments, this became the *Planning, Development and Infrastructure Act, 2016* and had bipartisan support.

The Act is the biggest overhaul of the Planning system since the 1990's when the *Development Act, 1993* was introduced.

Key features of the Act include:

- Ensuring public engagement is completed early in the policy setting process
- Public notification of applications that do not meet key provision of planning policy
- An absolute policy suite via the "deemed to satisfy" pathway providing more certainty to applicants and the community
- Wide opportunity for assessment of proposals outside the deemed to satisfy pathway.
- More responsive and timeliness in policy changes
- More responsive and timeliness in application assessment processes, including a Deemed Consent
- More assessment pathways
- More options for enforcement

### 7.1. Benefits of the system to address concerns raised in respect to Yorke Peninsula Council Planning

The system will enable more development to be considered on merit, removing the designation of non-complying development.

Time will be monitored in the portal and if a determination is not made within the statutory timeframe the application will be deemed to be approved.

- New Planning and Design Code will:
  - » Transfer essentially like for like but may be opportunities to 'fix' key issues such as shed size.
  - » Streamline policy.
  - » Provide improved data sets underpinning policy i.e. bushfire, flood etc.
  - » Be easier to amend.
  - » Provide more pathways for an application to follow.
  - » Provide more discretion via performance assessed pathway.
  - » Provide more certainty via the deemed to satisfy pathway.
  - » Be an opportunity for 're-set' of planning (consider alignment of policy).
- Application for development forms that is not envisaged within council could be considered as restricted development and assessed by State Commission Assessment Panel.

- Ensures applications are fully recorded (i.e. details and information will not be able to get lost) via the electronic system and can be accessed effectively and instantaneously by the assessing professionals be that staff or accredited professionals. In addition, the progress of applications can be tracked in real time by applicants.
- Assist with the provision of information to assist assessment by enabling a range of data sets to be included within the Code such as mapping data layers (i.e. fire, flood, vegetation etc. which will be supplemented over time).
- Reduced referrals.
- Streamlined lodgement which will be completed online directly by applicants.
- Provision of greater certainty to the community and applicants alike through the introduction of the Deemed to Satisfy pathway.
- Result in faster decision making:
  - » As applicants will have the ability in accord with the Act to elect specified forms of development applications (both planning and building) assessed by accredited professionals (certifiers); and
  - » An application not determined within the prescribed timeframe will be deemed to have been approved.
- Additional penalties.

## 7 – RECOMMENDATIONS

## 8. Recommendations

1. Development Division staff should workshop key priorities for the development of the Yorke Peninsula Council with Elected Members and senior staff in the context of the Council's Strategic Planning process to ensure a clear vision that will need to be promoted via planning policy. It would be ideal for this to commence early to enable Code amendments to be identified.
2. Develop a list of key issues to test the Planning and Design Code against and to potentially inform future Code Amendment(s).
3. Elected Members and staff should critically review the draft Planning and Design Code policies (currently on exhibition) for application in light of issues identified to ensure:
  - » As far as is practicable, the Code is an improvement to the current situation; and
  - » To identify any early Code Amendments that are required.
4. Staff and process efficiencies are likely to be achieved via some reallocation of tasks, namely:
  - » Application lodgement could be undertaken by the customer service staff on the front counter; and
  - » Section 7 statements could be completed by administrative staff rather than planners.
5. Review contracts with external engineering and planning consultants to ensure contracts optimise benefits to Council with respect to support.
6. The planning system should not be used as the first line of defence against potential future issues that should more appropriately be dealt with under other legislation. This should be considered in the context of increased enforcement options.
7. Pursue the Joint Planning Board proposal as a method of increasing regional consistency through a Regional Plan and to provide a framework to address resource shortages through resource sharing arrangements.
8. Prepare new delegations (with legal guidance) to support assessment pursuant to the *Planning, Development and Infrastructure Act, 2016*.
9. Communication and correspondence could be improved if phone calls and emails went directly to assessing officers rather than communication via the generic email.
10. Develop an economic and tourism development strategy.
11. Review staffing to determine opportunities for an economic development officer/case manager that sits outside the Development Division to avoid conflicts and is available to assist applicants.

## APPENDICES

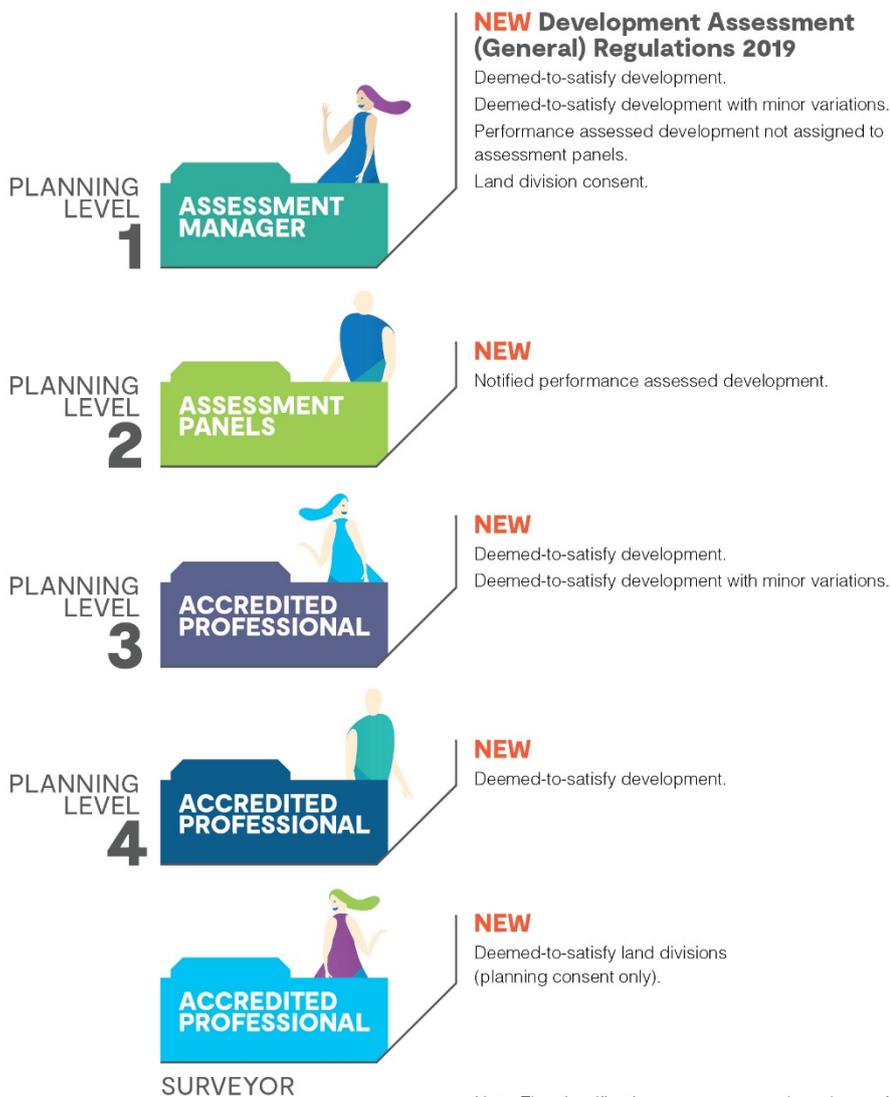
## Appendix 1. Accredited Professionals



## 1.4 Classes of accreditation

### CLASSES OF ACCREDITATION

There are four classes of accreditation applicable to building professionals, four classes for planning professionals, and a class for surveyors under the Regulations. Each class requires a different level of qualification and experience. The below table summarises the types of proposals they can assess.



Note: The classification system set out above is new for planning practitioners but is already in place for building professionals. The classification system is also subject to consultation before being finalised.

## BUILDERS

New building accreditation classes that replace existing building certification under the new Scheme are shown below. Existing private certifiers will be automatically accredited under the Scheme (see Section 3 – Transitional Provisions).





## 1.5 The Accreditation Authority

To become an accredited professional, you must be accredited by the Accreditation Authority, which is the Chief Executive of the Department of Planning, Transport and Infrastructure (DPTI). The Accreditation Authority is responsible for the administration of the Scheme established by the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*. The Regulations are able to be accessed on the SA Planning Portal.

## 1.6 Required qualifications

The qualifications, experience and technical skills required for each class of accreditation as determined by the Accreditation Authority under Regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*, can be found in the **Accreditation Authority's Qualifications, Skills and Experience Requirements for Accredited Professionals**. This document can be accessed on the SA Planning Portal.

The Accreditation Authority may also approve alternative qualifications, experience and technical skills on a case-by-case basis, and may grant conditional accreditation in particular circumstances.

## 1.7 Recognised equivalent schemes

Practitioners may be eligible for a class of accreditation under the Scheme, if the person is a member of a professional association or body that provides an equivalent scheme for the recognition of qualifications, experience and technical skills that is recognised by the Accreditation Authority under Regulation 16 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*.

Initial schemes will be recognised as outlined below. Other schemes will be considered for inclusion.

The Accreditation Authority may also approve other schemes not included in the table below provided they meet the relevant criteria for professional accreditation.

CLASS	RECOGNISED EQUIVALENT SCHEME
Accredited professional—planning level 1	Planning Institute of Australia (PIA) Registered Planner
Accredited professional—planning level 1 (Conditional)	PIA Full Member - must complete the transition to PIA Registered Planner within 24 months
Accredited professional—planning level 2	PIA Full Member PIA Registered Planner
Accredited professional—planning level 3	PIA Full Member - Member must demonstrate the minimum 3-years' experience requirement before a 'Statement of Membership Equivalency' is provided. PIA Registered Planner

CLASS	RECOGNISED EQUIVALENT SCHEME
<b>Accredited professional—planning level 4</b>	PIA Full Member PIA Registered Planner Affiliate* Graduate*  * Members must demonstrate the following experience requirements before a 'Statement of Membership Equivalency' is provided by PIA: <ul style="list-style-type: none"> <li>• PIA accredited course – 1-year experience</li> <li>• Non-accredited course – 2-years experience</li> <li>• Planning related course – 4-years experience</li> <li>• None/Non-related course – 6-years experience</li> </ul>
<b>Note:</b> PIA will provide applicants with a 'Statement of Membership Equivalency' for use in the Accredited Professionals application process.	
<b>Accredited professional—surveyor</b>	Licensed Surveyor with the Surveying and Spatial Sciences Institute (SSSI) General Certification
<b>Accredited professional—building level 1</b>	Australian Institute of Building Surveyors (AIBS) Building Surveyor Level 1  Royal Institution of Chartered Surveyors (RICS) Level 1
<b>Accredited professional—building level 2</b>	AIBS Building Surveyor Level 2 Limited RICS Level 2
<b>Accredited professional—building level 3</b>	AIBS Assistant Building Surveyor Level 3 RICS Level 3

## Appendix 2. Discussion Prompts from Interviews

## Discussion Points with Elected Members

- General background and context for inquiry.
- Key concerns?
- Substantiating evidence for further review?
- Views with respect to the role, function and operation of the Development Department and expectations?
- What are your key priorities for the current term of the Council and longer term?
- What role do the Elected Members have in setting the strategic directions of the Council?
- What are your expectations with respect to customer service?
- Do you know when the Development Plan was last updated and whether or not there are any current DPAs?
- Do you feel/think the policy in the Development Plan is up to date and reflective of the Council's priorities?
- How are Community expectations incorporated into Council plans and operations?
- What interface do you have with staff?
- What are your views on resources within Council and why would an engineer make a difference?
- Do you have any views or ideas where there could be a specific improvement/gain?
- Identities of key firms working in the Council area both Yorke based and Adelaide based to be canvassed as part of the project.
- Identities of the business and tourism organisations to be canvassed.
- Other key persons worth speaking with?
- Is there anything you want to add?

## Discussion Points with CEO

- How is Council's strategic planning undertaken and what is the role of the Elected Members?
- Is there a committee structure that has any bearing on this?

- Is the Council's community strategic plan reflective of current Elected Members' collective priorities?
- Are the Member's priorities clear and cohesive?
- How are Community expectations incorporated into Council plans and operations?
- Expectations on department both internally and externally and are these realistic?
- What is the role, function and operation of the Development Department?
- Who is responsible for Economic Development and how is this resourced?
- What resources are available to the department?
- Do you think the Department is consistent in its approach to, and assessment of, applications?
- What are your expectations with respect to customer service?
- How are complaints handled?
- What do you think is done well?
- What are your views on the proposal for an engineer?
- Do you have any views or ideas where there could be a specific improvement/gain?

## Discussion Points with staff

### Manager

- General background and context that you can provide.
- What interface do you (the Development staff) have with Elected Members?
- How is Council's strategic planning undertaken and what is the role of the Elected Members, collectively and/or individually?
- Do the Councillors have a role in the Section 30 Review and/or has this Council been briefed on the status of the Development Plan?
- When was the Development Plan last updated?
- Are there any current DPAs in progress?
- Do you feel as though you understand what the Elected Members' priorities as a whole are?

- Do you think the Elected Members have common priorities?
- Is the applicant given a case officer to coordinate interfaces with Council in regard to a DA?
- How do the delegations work?
- Can staff refuse an application under delegation?
- What ratio would staff typically approve/recommend:
  - » Approval with or without conditions
  - » Refusal
  - » Deferral
- Are there many merit appeals to the ERD Court?
- Is there a consistency check if different Council departments have differing views or requirements?
- Do you have many repeat applicants and if so who are they?
- Who is responsible for Economic Development and how is this resourced?
- What resources are available to the department
- How do you cover when someone is on leave or sick?
- What are your expectations with respect to customer service?
- Do you think the Department is consistent in its approach to, and the assessment of, applications?
- How are complaints handled?
- What do you think is done well?
- What are your views on the proposal for an engineer?
- Do you have any views or ideas where there could be a specific improvement/gain?

### Professional Staff

- General background and context that you can provide.
- Expectations on department both internally and externally and are these realistic?
- What is the (or your) typical approach to a DA?
- What tools etc do you rely upon to undertake your job?
- How long does a typical application take? What would be a fast time and what is a slow time?

- Are there internal referrals?
- Do you have many repeat applicants and if so who are they?
- What interface do you have with Elected Members?
- What were the key findings and priorities of Council's most recent Section 30 Review? Does the Development Plan reflect the priorities in the Council's strategic community plan?
- If an application is deficient:
  - » how is information sought?
  - » What would be the normal process prior to a refusal?
  - » If there is negotiation how does this occur?
  - » Is this any different if there is public notification?
- How do your delegations work?
- Do you have delegations?
- What ratio would you typically approve/recommend:
  - » Approval with or without conditions
  - » Refusal
  - » Deferral
- Are there many merit based appeals?
- How do you cover when someone is on leave or sick?
- Do you think the Department is consistent in its approach to, and the assessment of, applications?
- What is your/the department's approach to customer service?
- How are complaints handled?
- Do you feel as though you understand what the Elected Members priorities as a whole are?
- Do you think the Elected Members have common priorities?
- What do you think is done well?
- Do you have any views or ideas where there could be a specific improvement/gain?

### **Administrative staff**

- General background and context that you can provide.

- Expectations on department both internally and externally and are these realistic?
- What are your key tasks and role?
- How long does a typical application take? What would be a fast time and what is a slow time?
- Do you have many repeat applicants and if so who are they?
- Are there internal referrals?
- How do you cover when someone is on leave or sick?
- Are filing, reporting and recording systems robust, well used and maintained?
- Do you have any delegations?
- How are complaints handled?
- Do you think the Department is consistent in its assessment of applications?
- What do you think is done well?
- Do you have any views or ideas where there could be a specific improvement/gain?

## Information required

- Staff turnover
- How many applications per annum? How has this tracked over the last three – five years?
- Performance indicator reports that are sent to DPTI quarterly.

## Appendix 3. Survey Questions - Customer Service Survey

# Yorke Peninsula Council

## Development Services

### Customer Service Survey

Council has been involved in several surveys to gauge the levels of satisfaction throughout the community. Working towards Continuous Improvements processes within the Development Services Department and creating an engaged and highly performing culture, we would like to offer you the opportunity to rate the Department from the perspective of a recent user of the services provided.

Please be assured that this survey is totally anonymous, with absolutely no individual being identified as part of this process. The information collected will be used to improve our knowledge of issues or concerns that may exist within the department and assist in guiding our operational planning and strategic direction over the next few years.

To complete the survey, please write your answers to the questions below. All completed surveys need to be directed to the Manager Development Services, YPC - PO Box 57 MAITLAND SA 5575 or can be dropped in at any Council Branch Office. The information will enable Council to review and implement any corrective action or continuous improvements processes deemed necessary.

Please note that this is your opportunity to raise genuine issues anonymously and assist in improving the functionality and services provided by Development Services to the wider community.

Please place a number in the appropriate box and/or rate your responses and feel free to add short comments.

1 Totally Dissatisfied	2 Moderately dissatisfied with room for improvement	3 Satisfied	4 Satisfied and above expectations	5 Exceptional	
					<b>Number</b>
What type of application did you lodge? <ol style="list-style-type: none"> <li>1. New dwelling</li> <li>2. Dwelling extension</li> <li>3. Carport, verandah or garage</li> <li>4. Land Division</li> <li>5. Other</li> </ol>					
How was the Contact made? <ol style="list-style-type: none"> <li>1. In person</li> <li>2. mail</li> <li>3. Email</li> <li>4. Agent</li> </ol>					
If you attended the office how long did you have to wait to be served? <ol style="list-style-type: none"> <li>1. I was served immediately</li> <li>2. Between 2 – 5 minutes</li> <li>3. More than 5 minutes</li> </ol>					

1 Totally Dissatisfied	2 Moderately dissatisfied with room for improvement	3 Satisfied	4 Satisfied and above expectations	5 Exceptional
If you used the Council's internet, how would you rate the information available?				
How satisfied were you with the service you received from Council?				
Were any letters written by Council Staff clear and understandable?				
Were you pleased with the time Council Staff took to assess your application?				
Were Council Staff helpful with any queries you had during the approval process?				
Was the development application form easy to understand and complete?				
Was the information in Council's Information Packs useful?				
Were any queries you had answered in a reasonable time-frame?				

1 Totally Dissatisfied	2 Moderately dissatisfied with room for improvement	3 Satisfied	4 Satisfied and above expectations	5 Exceptional
Were messages you left for Council Staff responded to in a reasonable time-frame?				
Were you satisfied with the payment options available to you?				
Was enough information provided in the development application pack? If not, what would you like to see included?				
If you attended at the Office (please indicate Maitland or Yorketown) did you find the staff friendly/professional in attending to your queries?				
Did staff explain the need for any additional information required?				
Were timeframes and the process explained to you regarding the assessment of your application?				
Does this survey provide you with the opportunity to discuss your development assessment experience?				

1 Totally Dissatisfied	2 Moderately dissatisfied with room for improvement	3 Satisfied	4 Satisfied and above expectations	5 Exceptional
Would you like to make any other comments?				
1.				
2.				
3				

We appreciate you filling in this survey.

## Appendix 4. Survey Monkey Survey Questions



## Development Application Process - Survey Questions

Holmes Dyer Pty Ltd has been engaged by the Yorke Peninsula Council to undertake a survey in relation to its role as an Authority pursuant to the *Development Act 1993*.

This is a survey that will assist us to understand people's experiences in undertaking a development in the Yorke Peninsula Council area. Information will be considered in aggregate to maintain confidentiality.

We encourage you to complete the following survey which should take no more than about 5 to 10 minutes. By completing this survey, you will assist the Yorke Peninsula Council to continue to improve its service. Please note the survey will close on 23 September 2019.

**1. Are you responding as *(please mark one)*:**

- a. A local resident (full-time)?
- b. A resident (part-time)?
- c. A business operator/owner?
- d. A planning/building or other consultant?
- e. A developer?
- f. A builder or in the construction or supply industry?
- g. If 'other', please specify

---

---

---

---

**2. If you think about development in the Yorke Peninsula Council area, is there *(please mark only one)*:**

- a. Too much?
- b. Not enough?
- c. Just about right?

**3. Please explain your reasons for your answer to Question 2**

---

---

---

---

4. What types of Development do you think is appropriate for the Yorke Peninsula Council to undertake? *Please mark all that you agree with.*

- a. Houses
- b. Shacks
- c. Sheds/garage (domestic cars)
- d. Larger sheds (boats, caravans, storage)
- e. Farm buildings and farms
- f. Verandahs/decks
- g. Carports
- h. Shops, offices and other general commercial (*examples might be petrol stations, banks, hairdressers, delis, bakeries, restaurants, hotels, doctors' surgeries etc*)
- i. Industry, construction and supplies/trade services (*examples might be depots, landscape supplies, mechanical works, silos, stock yards etc*)
- j. Tourist accommodation
- k. Tourist attractions (*examples might be breweries, farm shops, local produce and handicrafts, mazes, lookouts, etc*)
- l. Alternative energy generation (*examples might be wind or solar farms*)
- m. If 'other', please specify

---

---

---

---

---

5. Thinking about the answers to Question 4, are there certain areas within the Council where some of these developments should not be allowed and/or would not be appropriate?

---

---

---

---

6. How many applications (if any) per year would you lodge with the Yorke Peninsula Council (*please mark only one*)

- a. None
- b. One
- c. Between two and five
- d. More than five

**7. Please select the option which best applies to you:**

If you have made an application to the Council **or** responded to an invitation to comment on a proposal in the last two years, please proceed to **Question 8.**

If you have not applied to Council for any approval **nor** provided comments in relation to any applications within the last two years, please proceed to **Question 21.**

**8. Please think about your recent involvement relating to an application process**

- a. New house
- b. Alterations and additions to a house (ie extension, verandah, car port, deck etc)
- c. Shed
- d. Change of use
- e. Land division
- f. Sewage
- g. If 'other', please specify

---

---

---

---

**9. Were you:**

- a. The applicant or a person acting on behalf of the applicant
- b. The land owner
- c. A representer

**10. Which Council office did you deal with? (i.e Maitland)**

---

**11. Was the application classified as non-complying?**

- a. Yes
- b. No
- c. Don't know

**12. What was the Development Application Number?**

- a. 544/ \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_ / \_\_\_\_ \_\_\_\_ \_\_\_\_ (e.g. 544/123/2019)
- b. Don't know
- c. Prefer not to say

13. Was the application:

- a. Approved
- b. Refused
- c. Withdrawn

14. A) If the application was withdrawn or refused are you able to provide the reason(s), *(Example reasons may be "it got too hard", or Council said the size of the deck was larger than provided in the Development Plan or a shed is not allowed on farmland, or there were not enough toilets, or wind load criteria were not met.)*

---

---

---

---

---

---

B) If the application was approved what changes (if any) we made during the application process. *(Examples of changes might be, the roof materials were changed to colorbond, or the deck was made smaller, or we added a toilet, or we moved the building further away from ....., or we made it lower etc)*

---

---

---

---

---

---

15. Did the application go to the Council's Planning Panel meeting?

- a. Yes
- b. No
- c. Don't Know

16. Please place a tick in one box in each row to indicate your satisfaction levels

	Totally dissatisfied	Dissatisfied	Satisfied	Above expectations	Exceptional	Don't Know
Timeliness of decision						
Timeliness of response to correspondence/ queries						
Adequacy of advice and information provided by staff						
Accuracy of information provided by staff						
General customer experience						
Appropriateness of Planning Policy						
Clear guidelines on how to proceed						

17. Feel free to clarify/expand on any of your responses to Question 16 and explain your reasons. *(If no further response please mark N/A)*

---



---



---



---



---



---

18. If you have dealt with another Council in relation to a development in the past two years, please identify the Council.

Council of Comparison:

---

19. In relation to Question 18, please rate your experience.

- a. Lower satisfaction than dealing with the Yorke Peninsula Council
- b. About equal
- c. Better satisfaction than dealing with the Yorke Peninsula Council

20. If you make multiple applications to the Council, and you think back to others within the last two years, would this change any of your responses above and if so how and why? *Please cite as many examples as you wish and please be as specific as you can.*

---

---

---

---

---

---

21. Are there any other comments that you wish to make?

---

---

---

---

---

---

Thank you very much for taking the time to provide your thoughts.

Optional:

Name:

Contact details: