

COUNCIL CONSULTATION RESPONSE

PDI ACT – P&D CODE PHASE 2 GO-LIVE – General System and Commencement Concerns



Council would like to refer the following concerns to the Commission and Department. In many cases these are concerns without obvious remedy, and would be matters which the Department particularly should consider in finalising the Phase #2 Code consultation and going live with the Phase #2 Code:

1. Overlap of Rural & Suburban Policy in the Phase #2 and #3 Codes:

Council has made a series of representations regarding some 40+ matters concerning transition of the Development Plan policy to the Planning & Design Code. Council is concerned that Suburban Elements (Suburban Neighbourhood, Township Activity Centre, Township Main Street, Suburban Employment, Employment & Urban Activity Centre Zones) for instance may be adversely influenced by the consideration of these zones, subzones or overlays in the Phase #3 Code consultation, particularly in a contextual sense that essential matters setbacks, building height and density may exceed the limitations sought in country areas in Phase #2.

It is necessary then to ask whether there will be an opportunity for further review or consultation and if a critical matter or element in policy has been compromised, how do Councils seek to resolve the matter, how long may it take and will protection be afforded such as interim operation for a Code amendment proposal ?

2. Introduction / Train the Trainer:

Council would like to strongly represent the need for introductory training to be scheduled in Regional areas – As regional Councils already attempt to manage resourcing and costs of attending training and technical liaison with their Planning & Development practitioners' associations and institutes forums. We understand that Kangaroo Island Council is unique in location and relative isolation, however would greatly appreciate further inclusion in Southern Fleurieu council areas forums, training etc.

From introduction, Council may need to rely upon interpretation and advice from the Department – Council considers it imperative for consistency, that the Department's transition managers and planners continue to be accessible in the post introduction phase – 6 to 12 months onwards to assist Councils in establishing applied knowledge processes and practices to enable a satisfactory transition.

3. Resourcing:

Council understands that the transition to e-planning will not be seamless. Catering for the needs of an ageing demographic and rendering appropriate services to those with lower literacy/numeracy, computer proficiency or access will need to be covered by Council to assist in receiving applications, scanning and entry into the e-planning system on behalf of customers.

There are Council resourcing and training issues associated with making these systems / processes operable, the Act / Regulations do not make statutory provisions for these factors of service and support to be provided – It would be highly desirable that the Schedule of Fees in the Act be reviewed with some urgency to make sure that fee structures accommodate the resourcing requirements of Councils (emphasising resourcing of country / regional areas Councils where human resources are necessarily stretched to cover numerous roles, disciplines and statutory functions).

Matters such as Council placement of Notifications (S.107 of the Act) being revised to a per/km or per/hour cost recovery opportunity, rather than a one-fee fits-all approach, and a statutory fee structure for Administration assistance in any component of the entry of applications into the e-planning system would empower Councils in resourcing those tasks.

4. Access Issues / Downtime / Processing Times:

With additional reliance upon electronic systems comes the risk of access issues, downtime for unforeseen or 'beyond our control' faults. Never before have these technical delays presented such a concern to Council as a Planning Authority. Statutory timeframes have previously provided a margin for applications to be assessed, accommodation such delays (as well as time and resource allocation to this amongst many other competing priorities – see **Resourcing**), however with the new System's more ambitious timeframes will become a substantial impact on Council's services.

At a minimum, a structure within the regulations needs to acknowledge the prospect of electronic systems faults, down time, server outages (i.e. State systems servers as well as Council systems and servers) and electrical network outages, as all of these events occur with some regularity and therefore have substantial risk of impacting these new ambitious processing timelines and risk of 'deemed approvals'.

External Referencing of Planning & Design Code for other Statutory & Business purposes:

Council has foreshadowed in its response sheets on some matters, that seemingly innocent matters such as zone titles may influence the way that other Statutory matters or Businesses respond to the transitions in the Code – for instance the transition from a Coastal Settlement zone to a Rural Shack Settlement Zone (with a Coastal Areas Policy Overlay) seems to have raised the concern of landowners that such an insubstantial change as the zone title could inadvertently catalyse a reaction from valuers, banks and lending institutions or even Councils themselves in a way that re-interprets the value of land and assets, or limits marketability or sales of such land. We are certainly conscious of Coastal Settlement zones such as Island Beach which are badly mis-represented by implying that it is a *shack settlement*.

The Department should at least ensure that there is adequate engagement with other statutory bodies and businesses to ensure that any potential side effects of the transitions are understood and managed so as not to disadvantage or confuse those sectors, or disadvantage the landowners involved.

RECTIFICATION OPTIONS / OPPORTUNITIES

Council would appreciate the Department, Commission and Minister having regard to these matters as well as the 40+ identified issues submitted herewith, in consolidating the feedback on the Code and considering variations appropriate for each application / purpose identified.