

# Privately Funded Code Amendments Policy

Policy Author	General Manager - Strategy & Corporate
Date of next review	May 2025

## 1. Statement of Intent

The *Planning, Development and Infrastructure Act 2016* (the Act) has established the Planning and Design Code (the Code) and enabled preparation of standards which provide planning rules and guidelines regarding the form(s) of development that may take place throughout the state, including within the Council's area.

A significant range of proponents are potentially able to undertake Code Amendments including land owners/people with an interest in land (called private proponents).

The intent of this Policy is to:

- a) Provide guidance where private proponents who seeking to fund the Council (in accordance with Section 73(9) of the Act) to undertake a Code Amendment or amendment to a design standard;
  - b) Describe the matters that Council may take into account when considering a request to privately fund a Code Amendment; and
  - c) Ensure proponents are aware that the Council cannot provide any assurances regarding a Code amendment or amendment to a design standard.
- (1) The Council may seek to initiate a privately funded Code Amendment having regard to, but not limited to the following principles:
- a) Whether the Code Amendment is consistent with Council's strategic plan and the relevant regional plan (currently the 30 Year Plan for Greater Adelaide).
  - b) Whether the Code Amendment is supportable from a social, environmental and economic perspective.
  - c) Council's capacity to undertake the Code Amendment including the required timing and administrative/management resources.
  - d) The impact on Council's policy / Code Amendment and strategic planning program.
  - e) The proponents' willingness to fund the costs in order to bring the Code Amendment forward on Council's program of Code Amendments.
  - f) Whether an agreement ought to be entered into between the Council and the proponent and the proponent's willingness to enter into such an agreement.
  - g) Whether the Code Amendment ought to be prepared by a person appointed by the Council or appointed by the private proponent with an independent peer review.

- (2) The Council is not required to consider undertaking a Code Amendment as requested by the proponent at all or in the form requested.
- (3) The Council does not and cannot give any assurances as to the outcome of the Code Amendment.

## 2. Scope

This policy applies to a request by a private proponent to undertake a Code Amendment or amendment to a design standard.

## 3. Legislation and References

This Policy is to be read in conjunction with the Privately Funded Code Amendments Procedure.

- City of Playford Global Glossary
- *Planning, Development and Infrastructure Act 2016* (the Act) – Section 73
- Planning and Design Code (the Code)
- Practice Direction 2 - Preparation and Amendment of Designated Instruments.
- Government of South Australia – Amending the Planning and Design Code Introductory Guide, November 2019
- 30 Year Plan for Greater Adelaide

This Policy should not be considered as the only document that may relate to privately funded Code amendments, other tiers of government, agencies or organisations may have legislation or policies that also apply.

## 4. Application

Council	Council (elected body) will have responsibility for decisions regarding Code Amendments pursuant to this Policy.
Policy Planner Specialist Senior Manager City and Corporate Planning	Provide advice to Council in regard to any formal requests for privately funded Code Amendments.
Chief Executive Officer	Approval of all required reports to Council in regard to privately funded Code Amendments and approval of any relevant sub-delegations of authority in regard to privately funded Code Amendments.

## 5. Relevance to Risk Appetite Statement

### Regulatory Compliance

The City of Playford has **ZERO TOLERANCE** for non-compliance with applicable legislation.

This policy addresses this risk by ensuring that appropriate policies and procedures are established for consideration and receipt of private funding in relation to Section 73(9) of the *Planning Development and Infrastructure Act 2016*.

## Service Delivery

The City of Playford has a **MODERATE** appetite for supporting and enhancing existing services and programs to improve the social, recreation and health and wellbeing outcomes for residents. This policy addresses this risk by ensuring that appropriate policies and procedures are established for consideration and receipt of private funding in relation to Section 73(9) of the *Planning Development and Infrastructure Act 2016*.

## Reputation

The City of Playford has a **LOW** appetite for negative perceptions that compromise its credibility and reputation. This policy addresses this risk by ensuring that appropriate policies and procedures are established for consideration and receipt of private funding in relation to Section 73(9) of the *Planning Development and Infrastructure Act 2016*.

## 6. Feedback

Your feedback on this policy is invited and can be directed to the Manager Governance via email to [governance@playford.sa.gov.au](mailto:governance@playford.sa.gov.au) or by calling the Customer Contact Team on 8256 0333.

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### Administration use only

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Policy author	General Manager – Strategy & Corporate
Endorsed by	Council
Resolution no.	4614
Legal requirement	N/A
Review schedule	4 Years
Date of current version	May 2021
Date of next review	May 2025

## Version history

Version no.	Approval date	Approval by	Change
1	23 March 2010	Ordinary Council	New Policy
2	15 December 2015	Ordinary Council	Entire policy reworked
3	25 May 2021	Ordinary Council Resolution No. 4614	<p>Policy title change from 'Non-Government Funded DPA Policy'.</p> <p>Separation of policy from procedures.</p> <p>Provision of greater flexibility for proponent to prepare Code Amendment (with peer review under appropriate circumstances).</p> <p>Provision of ability for proponent to submit statement of justification and Code initiation documentation together under appropriate circumstances.</p>

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