

PRIVATELY FUNDED CODE AMENDMENT POLICY



COUNCIL POLICY	
Reference Number	743202
Responsible Business Unit	Community Development
Responsible Officer	General Manager, Community Development
Legislation	Planning Development and Infrastructure Act (2016)
Relevant Delegations	Planning Development and Infrastructure Act, Regulations and Practice Directions / Guidelines: <ul style="list-style-type: none">- Instrument A- Instrument B- Instrument C- Instrument D
Related Policies Management Guidelines Frameworks	Privately Funded Code Amendment Management Guideline
Council resolution	31 January 2022, item 8.1
Date Adopted	November 2011
Review Date	3 years from adoption date
Previous Revisions	

POLICY STATEMENT

Both State Government and Council policy recognise the Rural City of Murray Bridge as a location for significant infrastructure investment and population growth. The introduction of the Planning Development and Infrastructure Act (2016) and its key policy tool "The Planning and Design Code" (2021) provide Council the ability to ensure the Rural City of Murray Bridge grows in an orderly and prosperous manner, proactively leads growth, and that potential conflicts and impacts from development are minimised.

OBJECTIVES

To provide an assessment and management framework for when a third party requests to wholly or partly fund a Code Amendment (to update the Planning and Design Code) and to ensure the delivery of strategic outcomes for Council and/or the community.

SCOPE

In order to ensure the Planning and Design Code reflects Council's growth or other planning requirements, a Code Amendment must be undertaken. This replaces the previous Development Plan Amendment process that was necessary under the provisions of the now rescinded *Development Act*.

Council may not be in a position to promptly resource all anticipated Code Amendments, nor will all Code Amendments necessary align with the strategic planning priorities of the Council. The legislation allows for a person who has an interest in the land (principally developers) to initiate and privately finance a Code Amendment. This provides one avenue to Council to enable the progress of a Code Amendment where it may not otherwise be possible.

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This policy outlines a clear, open and transparent process that separates the receipt of private funds from the Code Amendment process thus mitigating Council's exposure to risk.

PRINCIPLES

This policy adheres to the following principles;

1. Payment of private funds to Council for investigations into planning policies should be separated and distinct from the Code Amendment process.
2. The private financier should cover all costs in the initiation, preparation and authorisation of the Code Amendment, including any Council data management changes in response to the Code Amendment (Authority and GIS) and any court costs associated with legal challenges.
3. The legal agreement between the Council and private financier should state that a private financier is funding an open and transparent process which provides no guarantee that the financier will receive any advantage from the Code Amendment.
4. At all stages the Code Amendment should declare the private funding through the public release of the legal agreement and via inclusion in the *Proposal to initiate a Code Amendment* document.
5. Council will maintain control, independence and planning professionalism in the Code Amendment process, and ensure Code Amendment Investigations are impartial and conducted by professional and qualified persons.
6. Council can at any time withdraw the Code Amendment at Council's discretion; and
7. Only Code Amendments with a strategic context and outcome should be pursued.

IMPLEMENTATION

A Code Amendment requires a strategic context. This context should be identified through;

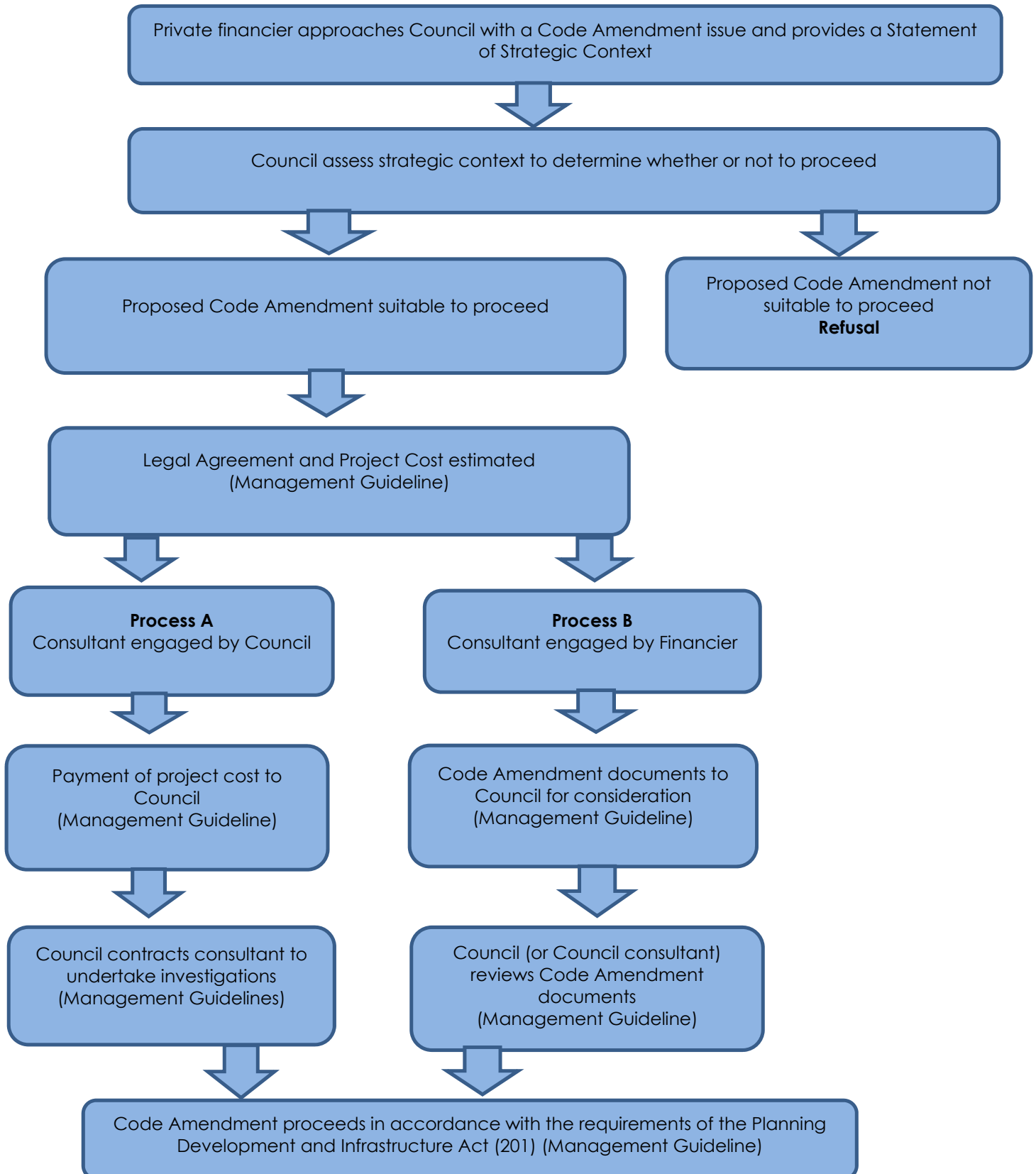
- State Planning Policies;
- Relevant Regional Plans;
- Other strategic documents;
- Or as part of an emerging social, environmental or economic issue.

The processing of Code Amendments must require a strategic context. Privately funded investigations into planning policies and any subsequent Code Amendments should adhere to the process outlined in Figure 1.

The proposed Code Amendment should be considered along with timing and priorities in the policy programme. The capacity for Council to process privately funded Code Amendments will be influenced by existing workloads and priorities. The full Code Amendment process cannot be outsourced and consideration will be given to current work commitments.

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Figure 1.



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