

Chief Executive's Policy – Service Standards and Code Amendment Fees 2023

Introduction

This Policy establishes services levels, principles and standards for the processing of amendments to the Planning and Design Code (Code Amendments). This Policy also applies to the waiver or reduction of fees charged for Code Amendments under the *Planning, Development and Infrastructure (Fees) Notice* (Fees Notice) published in the Government Gazette from time to time.

This Policy recognises the role of the Department for Trade and Investment (the Department), through the Chief Executive, in providing advice to proponents of Code Amendments while also remaining independent in its assessment and advisory function to the Minister for Planning (the Minister) and the State Planning Commission (the Commission). This Policy in no way binds the Minister or Commission in their statutory functions.

This Policy is not legally binding; however, it does establish a commitment to service levels from the Department in its processing of Code Amendments. The policy also recognises the importance of the public interest in these processes. All public sector employees are bound by the *Public Sector Act 2009* and the *Code of Ethics for the South Australian Public Sector*.

The Department will make best endeavours to achieve the service levels. Code Amendments will be evaluated by complexity, and service standards may vary due to the complexity level.

Service Standards and Fees Policy

Part 1 – Preliminary

1 – Citation

This Service Standards and Fees Policy may be cited as the *Chief Executive's Policy–Service Standard and Code Amendment Fees 2023*.

2 – Commencement of Operation

This Policy will come into operation on the day on which it is published on the SA Planning Portal.

3 – Objectives

The objective of this Policy is to ensure a consistent and transparent approach to the service levels the Department will endeavour to achieve in the processing of Code Amendments and the waiving and reduction of fees for Code Amendments.

4 – Interpretation

In this policy, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

Council means a council constituted under the *Local Government Act 1999*. It also includes the plural of Council.

Code means the *Planning and Design Code*.

Code Amendment means an amendment to the *Planning and Design Code* prepared under section 73 of the Act.

Department means the Department for Trade and Investment.

Designated Entity means a person or entity responsible for leading Code Amendments under section 73 of the Act.

Fees Notice means the *Planning, Development and Infrastructure (Fees) Notice* published in the *Government Gazette* from time to time.

Joint Planning Board means a Board constituted under the Act.

Private Proponent means a provider of essential infrastructure or a person who has an interest in the land, as listed in sections 73(2)(b)(v) or (vii) of the Act.

Regulations means the *Planning, Development and Infrastructure (General) Regulations 2017*.

SA Planning Portal means the PlanSA Portal.

Part 2 – Payment of Fees

The Fees Notice prescribes a fee for Code Amendments initiated under section 73(2)(b) of the Act, which are to be paid in stages as set out in the Fees Notice and include fees for:

1. consideration of a Proposal to Initiate a Code Amendment;
2. publication of a Code Amendment for the purposes of community engagement;
3. consideration of a Code Amendment by the Minister; and
4. the implementation of a Code Amendment adopted by the Minister.

Part 3 – Service Principles

The Department strives to deliver services in a timely, accurate and consistent manner in accordance with specified service levels. This is facilitated where information provided by proponents is complete, timely and accurate, and where staff are treated with honesty, respect, and fairness.

The following guiding principles underpin this Policy and subsequent operational procedures for Code Amendments:



Responsiveness

- We will respond promptly to inquiries through phone and web services.
- We will provide accurate advice on Code Amendment procedures.

Transparency

- We are open and transparent about processes.
- We provide consistent and clear information across communication channels.
- We will maintain actions of any briefings to the Code Control Group.

Professionalism

- We will conduct ourselves with integrity and honesty and treat others with respect and fairness.
- We will treat all customers equally and without bias.

Public interest

- We will always operate in the public interest and maintain our independence.
- We will not provide information that is confidential or information that falls outside our remit to provide.
- We will not speak for or make commitments on behalf of the Minister or Commission unless instructed or empowered to do so.

Part 4 – Service Standards for Code Amendments

The following standards apply to Code Amendments of low to moderate complexity.

Stages	Description	Service Standard
Initiation	Proposal to Initiate lodged by the Designated Entity on the SA Planning Portal	We will acknowledge receipt within 5 business days of receiving a proposal. Following verification that a proposal meets all mandatory requirements, we will invoice the fee within 5 business days.
Engagement	Engagement material provided by the Designated Entity to the Department	An invoice will be issued within 5 business days of receiving all required engagement material. Following payment of the invoiced fee, we will seek verification of the content to be published on the SA Planning Portal content from the Designated Entity. Following this verification, we will ensure the SA Planning Portal is live on the day that engagement commences. We will send a test submission to the Designated Entity at the commencement of engagement to ensure



Stages	Description	Service Standard
		<p>the SA Planning Portal is directing submissions correctly.</p> <p>*Additional timeframes may apply in instances where the Minister or Commission have imposed conditions requiring approval to commence engagement for the drafting of Policy by the Department. In such cases, the Department will acknowledge receipt of required information within 5 business days.</p>
Determination	Code Amendment and Engagement Report are lodged by the Designated Entity with the Department for final determination	<p>We will acknowledge receipt within 5 business days of receiving documentation.</p> <p>Following verification that documentation meets all mandatory requirements and satisfies any requests for additional information, we will invoice the fee within 5 business days.</p> <p>* The Minister may refer to the Commission before making a determination to adopt, alter and adopt or decline a Code Amendment.</p>
Implementation	Consolidation into the Code following determination by the Minister (go live)	<p>An invoice will be issued within 5 business days from the Minister adopting the Code Amendment.</p> <p>*We will publish the Ministers decision on the SA Planning Portal within 5 business days as required by the Act.</p> <p>We will consolidate the Code Amendment into the Code as soon as practicable following the receipt of full payment of the invoiced fee.</p>

The Department will keep records of timeframes for Code Amendments and identify any 'stop clocks' required when further information is requested or payment of fees is outstanding. Designated Entities will be informed of any stop clocks.

The Department will endeavour to complete an adequacy check and send out any request for further information within 15 business days following the receipt of full payment of the invoiced fee.

The Department will produce quarterly reports on the progress of Code Amendments. These will be published on the SA Planning Portal.



Part 5 – Fee waivers and reductions

The fee to be paid under the Fees Notice will be waived in full where:

1. The Designated Entity is the Chief Executive; or
2. There is no funding agreement in place with a private developer and the Designated Entity is:
 - a. A Council
 - b. A Joint Planning Board
 - c. An Agency
 - d. An Instrumentality of the Crown
3. The proposal is for a public purpose and not a commercial or revenue-generating purpose.

The fee to be paid under the Fees Notice may be reduced where:

1. The Designated Entity is a not-for-profit or charity organisation (as recognised by the Australian Charities and Not-for-profits Commission, or Consumer and Business Services) and the Code Amendment is demonstrated to have overall community benefit (i.e. provision of community housing).
2. The Designated Entity is required to repeat stages of the Code Amendment process.
3. The Designated Entity is a Scheme Coordinator or a provider of essential infrastructure and the Code Amendment is for a public purpose and not for a commercial or revenue-generating purpose.

The Chief Executive has the discretion and the right to waive or reduce any fee where the request does not clearly fit within the criteria of the Policy (refer to Regulation 7 of the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*).

Code Amendments lodged prior to the introduction of fees (November 2021) will be charged the fee for any remaining stages of the Code Amendment process.

Part 6 – General Communication Service Standards

As the Department values a positive customer experience, there are a number of avenues made available in which correspondence is able to be received, including:

- PlanSA Service desk (1800 752 664)
- PlanSA Portal
(plan.sa.gov.au/development/applications/getting_approval/support)
- Code Amendment team email (CodeAmendmentCoordination@sa.gov.au)

An officer will be assigned to respond to each query based on seniority and availability. Once an officer is assigned, direct contact is supported.



Part 7 – Reporting and Review

This policy will be reviewed 12 months from the commencement date of the latest version (or sooner should the Department see fit), based on data collected to monitor the Department's performance against the service standards.

Endorsement

This policy is endorsed by:



David Reynolds

CHIEF EXECUTIVE, DEPARTMENT FOR TRADE AND INVESTMENT

28 / 02 / 2023

