Mid Murray Council

Submission on the *Planning, Development & Infrastructure Bill 2015*

12 October 2015

This document represents Mid Murray Council's submission on the *Planning, Development & Infrastructure Bill 2015.* A covering report submitted to Council has also been included. Council acknowledges there is no formal consultation period as part of this Bill but believes that aspects of the Bill are such that comment is warranted.

Council believes that reform of the planning system is necessary to assist in enhancing the future for the State. It is obvious that the Bill places a direct emphasis on facilitating economic development. Council does raise some concern however that the emphasis on economic development may come at the expense of other important issues such as local involvement in development, the environment and development that is complimentary to the existing built and natural environment.

Council believes that the Bill reduces the role that local government plays in shaping the built and natural environments which it is largely responsible for. Council is also concerned that its ability to provide comment on development proposals, zoning changes and infrastructure agreements is severely limited, despite it having an active involvement in such areas.

The information in the table below summarises the key concerns that Council has with the Bill. The table has been compiled using information supplied by the Local Government Association of South Australia. Council requests that these comments be taken into consideration and that the Bill be amended to take account of these concerns. Council also requests that the other documents which are to form part of the system (*Regulations, Planning & Design Code, Practice Directions etc.)* be made available as soon as possible (recognising they are contingent upon the passage of the Bill through Parliament) as without them, it is impossible to gain a complete understanding of the new system.

While the table below provides for Council's concerns with the Bill there are several aspects of the Bill which are supported (subject to clarification/minor amendments). They are as follows:

- On-line Planning Portal – The establishment of a central on-line planning portal which will contain information on the system is supported. It is understood that Ministerial updates and changes to the system and Planning & Development Code will be published through this portal. It is also proposed that all development applications will be lodged through the portal (similar to the on-line land division system – EDALA). So long as this system is adequately resourced and the public are assisted to use it (if that is to be by Councils then resourcing should be considered) then it could be beneficial.
- Public Notification – Council supports the linking of assessment pathways to public notification categories. Council also supports the clarification of the definition of adjacent land and the withdrawal of the requirement to advertise in newspapers.
- State Planning Commission – The State Planning Commission is supported, providing it is adequately resourced. Council remains concerned that a lack of resourcing (as is currently the case with the Development Assessment Commission) could lead to inadequate implementation of the planning reforms – which would result in their failure to achieve the desired goals.

- Standardised Conditions – A list of standard conditions is supported providing they're updated regularly and have the ability to be altered where necessary.
- Planning & Design Code – Supported provided there is flexibility to incorporate local variations which in some cases may be substantial (i.e. an extensive investment has been made by Mid Murray Council to develop best practice policy for shacks along the River Murray in the Shack Settlement Policy Area – this policy can be enhanced, but should not be lost through the creation of the Planning & Design Code).
- Infrastructure Agreements – The scope for infrastructure agreements between developers & Councils/State Government could lead to enhanced and improved roll out of hard and soft infrastructure, but the details of how these may function is yet to be determined. A system is proposed within the Bill and that is better than the current situation of having no set system. Still the proposal at present does cause some concern over the financial and resourcing implications for Councils.
- Reduced Referrals – Scope for reducing the amount of referrals required will assist in improving timeframes, however there is a need to make sure that relevant expert advice is able to be sourced where necessary.
- Code Assessable – Increasing amounts of development will be assessed against set provisions in the Planning & Design Code – this should have the result of more development being approved more promptly. The possible negative outcome of this approach is that some inappropriate development may have to be supported and issues such as the visual impact on a neighbour may not be given the same consideration they are currently.
- Enforcement – There is some improvement in the enforcement options available to Councils but with the information provided at present Council has been unable to gauge how beneficial these may be. Unlawful development is a major issue for Mid Murray Council and Council feels strongly that there needs to be simpler and cheaper enforcement options for local government (with more appropriate cost recovery mechanisms).
- Assessment Managers – The concept of each DAP having an assessment manager(s) is generally supported, however it is considered that every DAP that is established should have an assessment manager (even if that is one of several assessment managers) who is a senior planner/officer of the Council. The purpose behind this is to ensure that the administrative functions of the DAP are adequately catered for and that the relevant Council has a clear line of communication between the Council and the DAP. It also provides the public with a contact person, readily available at the local government level, to answer their queries regarding the DAP.

In addition to this submission, Council supports and endorses any submission from the Local Government Association of South Australia.

Table 1 – Key Issues and Concerns

Proposed Change	*Issues*	*Suggested Alteration / Change*
Flexibility for regional planning (Division 3, Part 3) The Bill provides a mechanism under which planning can occur on a regional basis. Joint planning arrangements are provided for in Division 3, Part 3 of the Bill. Clause 35 empowers the Minister to, after seeking or receiving the advice of the Commission, enter into a planning agreement relating to a specified area of the State with any of the following entities: (a) any Council that has its area, or part of its area, within the specified area of the State; (b) any other Minister who has requested to be a party to the agreement; and (c) any other entity that has requested or agreed to be party to the agreement. A planning agreement must include provisions that outline the purposes of the agreement and may provide for the constitution of a joint planning board. A planning agreement has a term of 10 years. A planning agreement may be varied between the parties to the	Council is generally supportive of the inclusion of this section within the Bill. Council is particularly supportive of the ability for a regional planning board to be established without the need for it to also include an assessment function. However Council is deeply concerned that the Bill seems to allow for regional planning agreements and boards to be set up without the relevant Council being a party to those agreements or boards (i.e. there could be a planning agreement between a development and the Minister).	A provision should be included requiring the relevant Council for the area to be a party to any planning agreement or board.

agreement and may be terminated by agreement of the parties to the agreement or unilaterally by the Minister on prescribed grounds. Further details regarding the planning agreements will be set out in the regulations. The Chief Executive must maintain a register of planning agreements which would be published on the SA Planning Portal. The Minister will establish joint planning boards, in connection with the commencement of a planning agreement, by publishing a notice in the *Gazette*. The Minister may by further notice in the *Gazette* abolish a joint planning board if the relevant planning agreement is terminated. Clause 39 allows the joint planning board to establish a subsidiary. Clause 39(2) indicates that the establishment of a subsidiary is subject to obtaining the approval of the Minister to the conferral of corporate status under the Bill. Corporate status is conferred by Clause 2, Schedule 2 to the Bill. Schedule 2 provides provisions relevant to a subsidiary. These are of a similar nature to the provisions under Schedule 2 of the LG Act relating to Council and regional subsidiaries.		

Proposed Change	***Issues***	***Suggested Alteration / Change***
Decreased involvement of local government in planning and development (Clauses 56, 62, 77, 78, 81) The scheme provided for by the Bill significantly curtails the existing role of Councils in relation to planning and development.	Councils are the entities primarily responsible for the built and natural environments within their districts. This legislation reduces that role but local government remains the level of government closest to community level where issues of the built and natural environments are of most concern.	Reinstate the role of local government in development assessment or provide Councils with a greater opportunity to comment on development applications, zoning changes and infrastructure agreements which will impact on the local community. This may not mean changing the proposed assessment pathways but could mean simply incorporating more requirements for seeking Council comments or concurrence.
Council Members are ineligible for appointment to assessment panels A substantial change in this respect is the exclusion of Council Members from assessment panels (Clause 77(1)(d)). The Bill specifically provides that Council Members and members of State Parliament are ineligible to be members of assessment panels. With respect to an assessment panel that has been appointed by a Council, the Minister has power to constitute a local assessment panel if the Minister determines, after investigation, that the assessment panel appointed by the Council has consistently failed to comply with the requirement under the Act. The Minister can then remove the Council assessment panel and substitute it with a local assessment panel appointed by the Minister.	Elected Members contain knowledge of the local area which is useful to the decision making process. The current Development Assessment Panel format contains an appropriate mix of professionals and Elected Members and should be retained. The ability for the Minister to sack a council assessment panel could be used inappropriately should an assessment panel make a decision(s) which may not be viewed appropriately.	Retain the current Development Assessment Panel membership structure. Introduce a requirement that all independent members must be accredited professionals. Safety mechanisms should be included in the Bill to state that a Council assessment panel cannot be removed for a ‘decision’ but may be removed for misconduct or other inappropriate action.

Lack of Council and LGA consultation There are many instances under the Bill where provision is not made for consultation with Councils. For example, there is no consultation on the establishment of sub-regions, the decision to initiate an infrastructure scheme and the funding arrangements under an infrastructure scheme (even where the Council is to contribute to this funding). There are specific requirements for consultation with the LGA in respect of regulations dealing with aspects of the infrastructure frameworks (Clauses 164, 167 and 168) and also Codes of Conduct under Schedule 3 to the Bill.	Decisions which may be made at a Ministerial level, without the involvement of local government, have the ability to directly influence the financial activities of a Council. This makes the process of budget, infrastructure and asset management planning increasingly difficult for a Council.	Consultation with local Councils should be undertaken, including during the planning stages of an individual scheme which may affect a Council. Consultation through the LGA is supported, in addition to the above.
Removal of existing Council and LGA roles There are other instances where Councils have an existing role in respect of the planning and development system which is being removed. Notably, Councils will not have a role in the development of statutory instruments including the state planning policies, regional plans, the Planning and Design Code and design standards (except as a member of a joint planning board). While Councils may initiate an amendment to these	The limitations for consultation means councils will be responsible for assessing some developments against policies they had little or no control over when they were being created. The reduction in Councils involvement in development assessment was supposed to be counteracted with a larger role in setting the policy framework – there is some potential for that through regional planning boards but the detail is yet to be fully produced.	Reinstatement of obligations for Councils to be heavily involved in setting the policy framework against which development is assessed. Local government, at the level closest to the community, should have an involvement in setting the framework which will help shape the built and natural environments. The Planning & Design Code must make adequate scope to take account of local variations. The requirements for development

instruments with the approval of the Minister, Councils do not have the authority to initiate the preparation of these instruments. The LGA's role in nominating appointments to the Development Assessment Commission has not been continued to the State Planning Commission. All members of the State Planning Commission will be appointed by the Minister. The ability for the Planning and Design Code to be adapted and modified to a specific area is also reasonably limited. While a specific overlay over a zone will be permitted, it is limited to a variation of technical and numeric requirements, the variation of a requirement applying in a sub-zone with specific parameters and the adoption of options for development that are additional to those provided in a zone or sub-zone.	The limitation of amendments to the Planning & Design Code fails to take account of the significant differences which occur in zones throughout the State. For example the requirements of the Shack Settlement Policy Area are entirely different to those applying in other policy areas. The ability to only differentiate with minor numerical standards etc. is highly likely to lead to poor development outcomes. The character which has been established in different zones and areas over many years can be easily eroded.	along different sites of the River Murray for example, is not something that can be attended to by allowing for variations to minor numerical standards.
Involvement in development assessment scheme The draft Bill proposes to establish a new development assessment scheme in relation to applications for development. The proposed scheme and how it will impact Councils will largely depend on the drafting of the Planning and Design Code, which will need to be closely monitored in the future. The Planning and Design Code will designate,	It is almost impossible to comment fully on the assessment pathways without having the Planning & Design Code. It is understood it makes little sense developing the Code until the legislation is passed, and therefore it is critical that adequate consultation on the Code is available to local government. The State Planning Commission will, in most cases, be the relevant authority for restricted development (the equivalent of non-complying	The Planning & Design Code should be released as soon as possible. Local government must have an opportunity to comment on the Code and comments from local government must be give appropriate consideration. If the State Planning Commission and Minister are going to remain the relevant authorities for restricted / impact assessed development a clause should be placed in the

for the most part, what category a development is to be assessed under. The Planning and Design Code will inform what category of development a development will be, who the relevant authority will be and in some cases, whether public notification of that development will or will not occur. Development that is categorised as restricted development will be assessed by the Commission (subject to further delegation), whereas previously assessment of non-complying development was undertaken by the Council in most instances. Unless they are the relevant authority, the Council will have no say with respect to the assessment and ultimate decision of a restricted development. The Minister also has power to require that the Commission delegate to a designated committee of the Commission (Clause 30). A new provision which may impact Councils as a relevant authority is in relation to the time that a Council has to make a decision on a development application. If an application is not decided within the time prescribed, then the applicant can serve a deemed consent notice. This means that the application has received a deemed planning consent and the relevant authority must then grant planning consent within 10 business days. The time within which to make a decision will be prescribed by the regulations. It will be important for Councils to ensure that sufficient	development currently). Unless the amount of non-complying development is significantly reduced through the Planning & Design Code it is unlikely the State Planning Commission will have the ability to assess such applications without additional resources. It is inappropriate that the State Planning Commission should assess restricted development applications without the need to consult with the local Council whose within which the development is to occur – again because the Council represents the local community who should have an ability to provide comment. Deemed consents are problematic and should be removed from the legislation. Alternatively they should only be applicable to very minor forms of development. The Government already collects statistics on whether Councils are meeting the statutory timeframes. If they are not being met there are normally good reasons for that. Allowing deemed consents is likely to contribute to poor planning outcomes where development that has not been approved for good reason is permitted. To force Council's to apply to the ERD Court to quash a deemed consent adds additional costs to Council (which the community fund) and leads to further resourcing implications for local government.	legislation giving councils the opportunity to comment on such proposals. Remove the deemed consent clauses from the legislation or make sure they only apply to very minor forms of development.

time has been provided to avoid a situation where a deemed consent occurs contrary to the Councils' wishes.		
Accredited professionals Accredited professionals, which will now include a building certifier, will be designated as a relevant authority by the Bill and in cases prescribed or organised by the regulations. The duties of an accredited professional are similar to the duties that apply to a private certifier under the current legislative scheme. However, an additional duty applies which requires that an accredited professional must ensure that any development authorisation given by the accredited professional is consistent with any other development authorisation that has already been given in respect of the same proposal. This is an offence provision, so the accredited professional could be prosecuted for breaching this clause.	The addition of a clause noting the consents must be consistent is welcome.	The process for accreditation should be simplified solely for members who wish to sit on Development Assessment Panels or to be an Assessment Manager (those who wish to be a private certifier would have a more details process).

Proposed Change	*Issues*	*Suggested Alteration / Change*
Liability for infrastructure funding (Clauses 155 - 176) Part 13 of the Bill provides infrastructure frameworks. An important component of the scheme established by this part of the Bill is funding arrangements for infrastructure. The Bill contemplates that Councils may be liable for contribution to the cost of essential infrastructure. *Broad definition of 'essential infrastructure'* Essential infrastructure is defined in clause 3 of the Bill broadly and includes infrastructure associated with the generation of electricity, the distribution or supply of electricity, gas or other forms of energy, water infrastructure or sewerage infrastructure, transport networks or facilities, causeways, bridges, embankments, coast protection works or facilities associated with sand replenishment, communications networks, health, education or community facilities, police, justice or emergency services facilities and other infrastructure, equipment, buildings, structures, works or facilities brought within the ambit of this definition by the Planning and Design Code or the regulations. This definition goes beyond the types of infrastructure traditionally provided by Councils. There is a risk that Councils will be required to contribute to infrastructure costs	The overall concept that Councils may be liable for some infrastructure funding is, in itself, not necessarily opposed. Particularly in a situation where the funding of that infrastructure may better enable the further provision of economic development (i.e. if power to a country town can be upgraded more promptly than would otherwise occur). However the cost shifting of the funding of infrastructure is opposed. Council maintains the view that the funding of essential infrastructure is primarily the responsibility of the state or private sector. The Government has argued that these costs are met by purchasers in any event – i.e. if the private sector undertakes these works they are built into the costs of the allotment purchase. Therefore the upfront purchaser pays the costs, as opposed to be it being collected back over a number of years. By spreading these costs over a number of years the upfront cost of the infrastructure is not borne solely by the new purchaser, improving housing affordability. However this can impact on the community – as Council may have to fund some of the costs upfront, meaning the wider community initially funds infrastructure in new developments which they receive little benefit for.	Council should not be liable for or be forced to contribute to the provision of essential infrastructure which should be provided by the State or the private sector. The key to this matter is consultation. Local government must be consulted on any infrastructure agreements and they should not be implemented unless the Council agrees to such. Mechanisms are needed to monitor the market to ensure that costs that Council is absorbing (at least temporarily) are factored into the sale price of new allotments. Council's administrative costs in creating and implementing such infrastructure funding arrangements must be able to be recouped.

which are currently met by the State or private sector.	There also does not appear to be any mechanism to regulate the market to ensure that the costs of land, in the first instance, are reduced.	
Lack of consultation of funding arrangements The funding liability of Councils will be provided for in a 'scheme' initiated by the Minister under Part 13 of the Bill. The Minister may initiate a scheme either on his own volition or at the request of any other person or body. The scheme is initiated by the Minister preparing a draft outline of the scheme that includes information specified in clause 155(3) of the Bill. The outline must include a description of the funding arrangement for the scheme and, if a funding arrangement includes a proposal for the collection of contributions by Councils, specify the area or areas (**contribution areas**) in relation to which it is proposed that the contributions are to be imposed. The Minister must take reasonable steps to consult with any Council in a contribution area in respect of the outline.	The lack of consultation is the biggest concern with this arrangement. As previously stated Council is not necessarily opposed to being part of infrastructure funding arrangements where the circumstances may warrant such involvement (although Council suggests that those circumstances should be extremely limited). However to allow for the Minister to implement a scheme whereby Council has little involvement, but would remain responsible for part funding the infrastructure (i.e. collecting rates on behalf of the Government / Council) is simply unreasonable.	The legislation should be altered to restrict the circumstances in which this could occur, and in addition further amendments should provide a much higher level of consultation with local government.
A scheme coordinator will be appointed by the Chief Executive of the Department of Planning, Transport and Infrastructure. The	To summarise, Council is concerned about the following matters in relation to	Council would like to see amendments to the legislation to take account of each of the issues identified opposite.

scheme coordinator has various functions in relation to a proposed scheme. The details of the funding arrangement are determined by the scheme coordinator. Again, there is no obligation on the scheme coordinator to consult with any Council which may be affected by the funding arrangement. On the basis of this report, the Minister decides whether or not to proceed with the scheme. There is no requirement on the Minister to consult with a Council affected by the scheme before making this decision. The Bill provides that a funding arrangement takes effect on a scheme coming into operation through gazettal subject to the Governor consenting to the funding arrangement. Again, there is no obligation to consult with Councils prior to the gazettal of a scheme. Consequently, Councils may be locked into a funding arrangement under which they are required to make contributions for infrastructure without any consultation except on the initial outline of the scheme prepared by the Minister. *Operation of a funding arrangement* Where a scheme requires Councils to make a contribution then the quantum of that	infrastructure funding: (a) lack of consultation prior to the funding arrangement coming into effect so that Councils may not have the opportunity to inform the Minister of financial imperatives or limitations which may limit the ability of a Council to make the contribution; (b) there being no provision for Councils to seek relief from the Minister in circumstances where contributions are financially unmanageable for the Council (this may be an issue that arises over time rather than at the commencement of the funding arrangement); (c) the perception that the contribution is a local government tax, rather than being a state tax; (d) the potential for Councils to be required to contribute to the costs of infrastructure which traditionally have been funded by the private sector or the State Government, given the broad definition of 'essential infrastructure'; (e) there being no mechanism within the legislation for the calculation	

contribution will be specified by the Minister in accordance with the requirements of the Bill in respect of each financial year. The Bill provides mechanisms for the apportionment of contributions where multiple Councils are relevant to a contribution area. The Minister has discretion, however, to determine that there should be differentiating factors applied with respect to the calculation of the respective shares of constituent Councils taking into account any matters prescribed by regulation. Ultimately the share payable by each Council is determined by the Minister. There is a requirement on the Minister to consult with the relevant Councils on this apportionment. A Council's share of the amount to be contributed by the constituent Councils is payable in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in any year in which the contribution applies. The contribution is a debt owing to the Crown and interest will accrue on unpaid amounts. *Councils must impose a charge on land* The Bill provides a mechanism by which Councils will be reimbursed for the amounts contributed. As the mechanism provides for reimbursement, Councils will need to incur the upfront costs prior to acquiring the	of anticipated infrastructure costs over time; (f) there is no mechanism in the Bill for the capping of Council contributions to a proportion of the cost of the infrastructure or even capping the contributions at the total cost of the infrastructure; (g) with the increased incidence of rates non-payment, there is a financial exposure to Councils which ultimately can only be relieved by the sale of rateable property; and (h) the legislation does not provide any mechanism for Councils' input into the quality of the infrastructure works that are undertaken with their contributions.	

reimbursement. Clause 167 of the Bill mandates that a Council must impose a charge on rateable land in the contribution area. A charge for this purpose must be consistent with the funding arrangement established under the Bill and any determination or direction of the Minister. This means that Councils will have no discretion as to the nature, imposition or quantum of the charge. The Bill also provides that except to the extent that the contrary intention appears, Chapter 10 of the *Local Government Act 1999* applies to and in relation to a charge as if it were a separate rate under that Chapter. The Bill sets out various amendments to the provisions of Chapter 10 for this purpose. *Council may be able to recover its compliance costs* The Bill provides that the costs of the Council in complying with these requirements will be recoverable in accordance with the regulations. There is no indication, however, as to who will meet these costs. *A statutory fund is established for each* Statutory funds are established by the Bill for the receipt of contributions from Councils and		

other moneys relevant to a particular scheme. The funds will be applied towards the purpose of the relevant scheme in accordance with any direction or approval of the Treasurer. If the fund is wound up by the Minister then the balance of the fund is transferred to the Planning Fund for another fund or account determined by the Treasurer. This means that contributions by Councils will not automatically be refunded to Councils.		

Proposed Change	*Issues*	*Suggested Alteration / Change*
Changes to consultation and third party appeal rights (Clauses 44, 95 -108) With the introduction of the Community Engagement Charter for public participation, public notification and third party appeal rights with respect to a development by development application has been substantially pared back. Councils may receive complaints (regardless of their involvement in the assessment decisions) from residents concerned at a lack of opportunity to comment on development. Part 7 of the Bill and the clauses that deal with the categories of development set out in what circumstances public notification may occur. Under the proposed system, public notification is only available with respect to performance assessed development and restricted development. Public notification for performance assessed development is only given to the owner or occupier of adjacent land or to members of the public by notice placed on the relevant land. There is no longer a requirement to publish a notice in the newspaper. A person will then have an opportunity to make a representation to the relevant authority and the applicant will have an opportunity to respond to that representation. The Planning and Design Code may exclude specified classes of development from public notification on	Council has some concern regarding the reduced ability for members of the public to comment on development application. In particular 3rd party appeal rights will be reduced so that 3rd party appeals can only be lodged against restricted development. Council is also concerned that the Commission can dispense with any public notification requirements for restricted development if the Commission determines that notification is unnecessary in the circumstances of the particular case – Council feels this clause is open to abuse. There is no criteria for how this judgement can be made. The placement of a notice on the land which is subject to the development may have an impact on Council resources. It is understood that the applicant is responsible for the erection of the notice but how does Council ensure this occurs? How does Council make sure the notice is displayed properly? It takes 2 hours to travel from one end of Mid Murray to the other – this places a potential burden on Council's resources to manage any complaints regarding the display of public notices. The system of displaying public notices is also complicated for large scale developments. For example, how would the developer of a wind	Clarification is needed around how the display of public notices would operate, particularly for regional councils and large scale developments (i.e. wind farms). The Commission should not have the power to 'choose' whether public notification is necessary. This option fails to provide for adequate accountability.

performance assessed development. There are no third party appeal rights against a performance assessed category of development. Public notification is also required with respect to an impact assessed development that is a restricted development. Again, notice of the development is provided to the owner or occupier of adjacent land. It is also available to the public generally by posting a notice on the relevant land. The Commission can also notify owners or occupiers of land which they determine would be directly affected to a significant degree by the development, as well as any other person of a prescribed class. An appeal right is available to third parties against a decision on a restricted development. Interestingly, the Commission can dispense with any public notification requirements for restricted development if the Commission determines that notification is unnecessary in the circumstances of the particular case. The proposed public notification requirements with respect to development under the Bill significantly reduce opportunities for third parties to have a say with respect to a particular development.	farm arrange for the display of public notices for a wind farm development where that development is to take place over several hundred hectares and numerous different land parcels? Council is generally supportive of having no public advertisements in newspapers which reduces costs to applicants. Council supports the new definition of adjacent land. Without seeing the Planning and Design Code Council remains concerned about what classes of development might be exempted from public notification on performance assessed development.	

Proposed Change	*Issues*	*Suggested Alteration / Change*
On-line planning services and information (Clauses 46-54) It is proposed that the chief executive will establish and maintain an electronic database which is to be known as the SA Planning Database which will gain access to the state planning policies, the Planning Rules, any relevant land management agreements and any other instruments and documents as the chief executive things fit. As part of the SA planning portal, an on-line atlas and search facility will be provided that will allow a person to search across the website and the database. It is also proposed that with respect to the cost of establishing or maintaining these on-line facilities, the chief executive may, with the approval of the Minister, require a Council to make a contribution on a periodic or other basis. The fee or charge sought by Council may be set on a differential basis or varied from time to time by the chief executive with the approval of the Minister. If the Council fails to comply with the requirement to pay the contribution then it will be recoverable by the chief executive as a debt.	Council is supportive of the establishment of an on-line portal where all planning documents will be readily available. This can lead to a simplification of the system with respect to access to documents and is broadly supported. However Council is not supportive of the fact that a fee can be charged and that it appears, that the fee is automatically set by the CEO / Minister with little, if any, consultation with Council. Council does not support the establishment of such fees without any knowledge of the likely fee amount. Council remains concerned that if the on-line planning portal is not adequately resourced the system may be compromised. If all development applications are to be lodged via the portal the system must be simple and easy to use. If people are not computer literate or do not have access to the internet how will the system work? Will Council officers be responsible for assisting their constituents to lodge applications?	The fee to be paid should be clarified (or the basis for the calculation of the fee). The proposal is not supported until the fee matter is clarified. Adequate resourcing is critical. Provision must be made for assistance for those who will be unable to lodge a development application through the portal.