



DEVELOPMENT (PANELS) AMENDMENT BILL
21 June 2006

Mrs PENFOLD (Flinders): I have grave concerns about this bill and how it will affect the regional councils. Eight local councils are located in my electorate, and it is concerning to see increased costs imposed on them and their autonomy threatened. The remote Elliston council area on Eyre Peninsula is one of the largest in the state; and, when I last checked, it had only 807 full-paying ratepayers. Certainly, in my view, this bill will not allow them to contain their costs. For the last four years the structure of the development assessment panels (DAPs) has been dealt with by councils in a variety of ways. Many opted to have all their council members sit on the development assessment panel, because very few people have the necessary experience available and this was one way to gain that experience, while others invited public and staff members onto their panels. Development assessment panels were introduced to allow councils to focus on planning policy functions, the development of planning assessment reports and to delegate the approval of planning applications to development assessment panels.

Currently, according to local government figures, 99 per cent of all development applications are approved, with 95 per cent determined by councils under delegated authority. Of the small number of decisions by panels, most are made in line with recommendations of planners. There is room for appeal by applicants of some referrals, so there is already an independent, well-qualified body that deals with disputed development applications. Where is the evidence that these amendments will resolve the concerns that initiated this bill? If a handful of councils are causing delays by poor service application interpretation of development control, the government should fix those problems and not impose greater controls on councils that are performing satisfactorily.

Why introduce the need for all council DAPs to have a designated public officer to ensure that any complaints of the panel are properly investigated? This is another cost and bureaucratic responsibility which could be handled elsewhere. According to the report of the Financial Sustainability Review Board only about one-third of South Australian councils are in a moderately comfortable or better financial position. The report also reported that compliance costs imposed on councils by state regulatory authorities were substantial and growing.

This is another prime example of the substantial and growing compliance costs imposed on councils by state regulatory authorities. Why does the state government intend imposing additional costs? I understood the state and local government relations agreement to mean that state governments would not force additional costs onto councils. The requirement for four members of a seven-member council development assessment panel to have a reasonable knowledge of the operation and requirements of the act and appropriate qualifications or experience in a field that is relevant to the activities of the panel will create a number of problems for councils, especially those small rural councils such as mine. The requirement that, as far as practicable, the panel consist of equal numbers of men and women is, in my view, totally impracticable and farcical. Already there is a requirement for council to ensure that at least one member of the panel is a woman and at least one member is a man. Why place additional pressure that could result in the possibility of a panel not being filled? The best available person for the job would seem to be a better criterion.

Country councils will have to find 50 independent, appropriately qualified presiding members and 100 to 200 appropriately qualified members. People with planning and development knowledge and qualifications are already in short supply. Where will small rural councils find all these people? In many instances, they may have to come from outside the council area—and remember that half must be female and half must be male. That then leads to paying for these appropriately qualified people. I very seriously doubt that these appropriately qualified people will offer their time

for free or for a very low fee, unlike the council representatives who offer their time for very little remuneration. In addition to sitting fees, there will be travel and possibly accommodation costs depending on travel times and the length of panel sitting and inspection times.

Another motivation behind the amendment appears to be the so-called need for independent council DAP members. How will the so-called independent, appropriately qualified panel members from small country communities refuse an application one day and then visit the same developer the next day, seeking their business? There also appears to be a requirement to have a greater number of independent members than council representatives on the DAP panel. It is interesting that there is an assumption that council representatives will vote as one.

Rural local councils are not party political, and if there is a contentious development application I think it would be extremely unlikely that they would vote as one.

Over one-third of councils in South Australia are rural councils with populations of less than 5 000. A small rural council on Eyre Peninsula, consisting of a population of fewer than 2 000 people, has estimated that the potential cost to it could be between \$10 000 and \$15 000. A better approach may have been to require all members of council DAPs to undertake ongoing education and training programs, as the LGA is doing. This would have provided more impetus to adopt transitional provisions and would have ensured that panel members had a better understanding and knowledge of the act and the responsibilities of the panel.

In the approval system, there will always be people who test the boundaries of the PAR, and there will be people who are disappointed when their application is not approved. Even with the establishment of panels comprised in part, or as a whole, of non-elected members, there will still be a propensity for political considerations to enter into the decision-making process. It would be naive to think otherwise. No evidence has been presented of particular problems in the system; therefore, will the proposed amendments address the problems? Zoning or planning rules are subject to interpretation, and we will end up with decisions that meet state requirements but will they meet the community's needs?

I am concerned that the variations in the Development (Panels) Amendment Bill 2006 will be difficult for country councils to comply with and will add another burden of cost. The imposition of unnecessary burdens of cost on small rural councils, with negligible benefits to development control in the district, cannot be justified. Local elected councillors are democratically elected and trusted by their communities to make decisions on their behalf, and their community's interests are always in mind.