



Planning Reform

Delivering a Simpler System

May 2008



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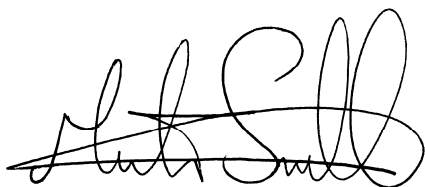
1.1 **Foreword**

As a guiding principle the planning system should be easy to use and should support development whilst protecting the environment and local heritage.

The South Australian planning system has been under repeated criticism over a number of years from all fronts. The system is criticised for being cumbersome, difficult to navigate through, time consuming for both developers and councils and restrictive in terms of providing vision and creative opportunity. There have also been instances where both councils and government have been accused of a lack of transparency. As a result there have been numerous reviews and attempts to change the system. Some have been successful but many have been tinkering with the edges of the system and not providing any real reform.

A reform agenda is needed to ensure that South Australia leads the way in planning reform. South Australia is losing its competitive edge in terms of the planning system, our turn around times are slow compared to other States and much of the planning system is difficult to understand for those that use it.

Its time for action – South Australians deserve better



Martin Hamilton-Smith
Leader of the Opposition



Hon David Ridgeway, MLC
Shadow Minister for Planning



2.1 **Background**

The Sustainable Development Bill was touted by the Government as being the panacea of development reform. At the time that the Bill was introduced in 2005 Minister Holloway also released the State Planning Strategy for public consultation, saying that “Collectively, these documents sit under the umbrella of the Government’s Building South Australia Platform, and deliver on the Government’s commitment to providing an integrated and co-ordinated approach to land use and infrastructure planning.”¹

The Latest Planning Review was announced by Minister Holloway on 19 June 2007. Michael O’Brien MP, as Parliamentary Secretary to the Premier was charged with the co-ordination of the Review on behalf of the Government. A Steering Committee was established and included: Michael Hickinbotham, Fiona Roche and Grant Belchamber, all from the Economic Development Board and Tim Jackson and Stuart Moseley from Local Government and Jamie Botten as a planning law expert.²

The Liberal Opposition has consulted widely with stakeholders and during discussions it was revealed that in Victoria a house on the outer fringes of the metropolitan area, built by builders such as Jennings takes approximately two weeks to get through the planning system. In South Australia the same development can take between four and six months. This is simply not acceptable.

The Government has made much about its new reform agenda and unless it delivers on the reforms then there will be significant dissatisfaction from industry.

On 6 August 2007 Peter Jackson, President of the UDIA stated on 891 that they were “Looking forward to some major radical changes and improvements to the System” Whilst there has been some reform there is a long way to go.

¹ Media Release, Planning for a Sustainable Future, 12 April 2005

² Media Release, Planning Review: SA to lead the nation on planning reform

3.1 Planning Principles

A Liberal Government will adopt the following planning principles:

1. **A whole of government planning framework** - Introducing a whole of government framework for governance so that the Planning Strategy and other state plans work together to provide the basis for planning for South Australia;
2. **A fresh and consistent approach to planning** - Reviewing the Planning Strategy to ensure consistency with other plans and to assist business and the South Australian planning community in the development of their own business and development plans;
3. **A new residential code.** -Introducing a residential code system to be developed with stakeholders to ensure that South Australia becomes competitive in the housing industry market. The role of private certifiers will be explored as an integral part of the residential code assessment process;
4. **A 20 year plan for Land Supply** - Completing a land supply plan for industrial, commercial and residential land which provides direction and certainty for at least 20 years' supply;
5. **Planning for Transport Corridors.** - Providing for more effective and sustainable development surrounding transport corridors;
6. **Consistency across councils** - Delivering consistency across councils in development plans and encourage councils to work together on regional planning;
7. **No new infrastructure levies** - Legislating to stop councils implementing any new infrastructure levies;
8. **A plan to protect SA built Heritage** - Ensuring flexibility in the protection of South Australia's Heritage by placing an "overlay" of heritage requirements on the proposed residential code;

9. **Swift, Electronic Government Action** - Ensuring that, where possible all government referrals are completed electronically; and

10. **Educating for success** - Introducing standard educational material for the planning system to be provided by Planning SA for distribution by councils. Planning SA will be responsible for educating users of the planning system.

4.1 **A Whole of Government Planning Framework**

A Liberal Government will:

Introduce a whole of government framework for governance so that the Planning Strategy and other state plans work together to provide the basis for planning for South Australia;

Review the Planning Strategy to ensure consistency with other plans and to assist business and the South Australian planning community in the development of their own business and development plans.

The State Government has several plans; the State Strategic Plan, the State Infrastructure Plan and the Planning Strategy. Whilst the Strategic Plan and the Infrastructure Plan are given a profile by being the responsibility of central agencies, the Planning Strategy, which is the most important planning document for the State is buried within the Department of Primary Industries with the Executive Director of Planning SA having no direct reporting requirement to the Planning Minister.

The State Strategic Plan is a wish list of things the government might like to achieve. The Infrastructure Plan does not provide timeframes or linkages with other plans and we are still awaiting the promised Transport Plan. The Planning Strategy, which could provide future direction for the State, does not integrate well with any of the government's other plans.

The Liberal Opposition is focussed on the future. We believe that the Planning Strategy and other state plans should work together to provide the basis for planning and the future of our state.

We will review the Planning Strategy to ensure consistency with other plans and to provide direction and certainty for South Australia

5.1 A New Residential Code

A Liberal Government will:

Introduce a residential code system to be developed with stakeholders to ensure that South Australia becomes competitive in the housing industry market. The role of private certifiers will be explored as an integral part of the residential code assessment process.

Most of the representations to the Liberal Opposition were in favour of simplifying the residential development approval process. Many industry bodies are on the public record as wanting urgent reform in this area.

At a Planning Institute of Australia (PIA) conference in Perth 2007 Sue Holliday, National President of PIA, stated in her presentation regarding the role of planners, that “The success in planning process is to develop systems that are understood, valued and used easily by our neighbours and councillors. Confusion and delay are primary causes of our reputation as blockers.”³

Having a process which provides a simple list of complying development will ensure an increase in speeding up the process. Industry bodies agree that this system will free up planning staff, providing greater opportunities for them to work on more complex issues.

The ResCode concept in Victoria applies to residential developments and brings all the objectives and standards for housing together into two documents; the Planning Scheme and the Building Regulations.

A Liberal Government will introduce a residential code system which will be developed with stakeholders to ensure that South Australia becomes competitive in the housing industry market. The code will include a list of complying developments along with specific criteria for assessment.

³ Planners: Part of the Problem or Part of the Solution, Paper to PIA National Congress, Perth 2007, Sue Holliday, National President PIA.

In Victoria private certifiers are critical to the planning process. Whilst Local Government does not believe there is a market for certifiers in South Australia, the potential for inclusion of private certifiers in the planning system will be fundamental to the success of a residential code. We will undertake further work on the role of certifiers in the industry to ensure that any residential code implemented will work effectively.

6.1 A 20 year Plan for Land Supply

A Liberal Government will:

Complete a land supply plan for industrial, commercial and residential land which provides direction and certainty for at least 20 years' supply.

In South Australia land supply is controlled by the Government through its Land Management Corporation (LMC). Whilst the LMC has an obligation to ensure that taxpayers get the best price for land it is also necessary that it provides direction and certainty for future growth. Currently the LMC does not have a reasonable plan to deliver land to market.

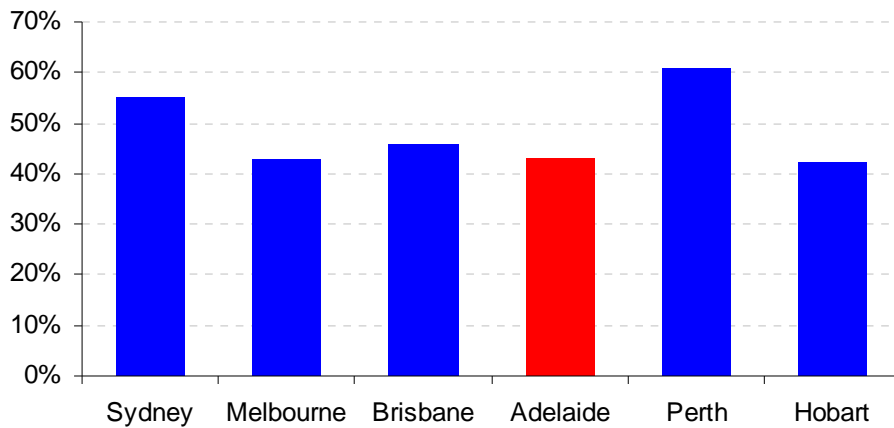
The review of the Urban Growth Boundary is a policy that the Liberal Party took to the last election and we will continue to support. The December 2007 announcement by the Labor Government will not meet the needs of a population of 2 million and significant planning needs to take place to ensure supply.⁴

A Liberal Government will ensure that a land supply plan is developed which provides direction and certainty for the supply of land for at least 20 years.

Despite an overall easing in the average price of land over the quarter, land still accounts for a substantial proportion of a typical house and land package. In both Perth and Sydney, land accounts for 52 per cent of the total price while in Melbourne, Adelaide and Brisbane it accounts for in excess of 40 per cent. The Graph below shows that Adelaide is no longer competitive with Victoria in terms of land price as a proportion of total house prices.

⁴ A New Urban Growth Boundary for Adelaide, Media Release, Minister Holloway, 20 December 2007

Land Price as a Proportion of the Total House and Land Price



As recently as May 1 2008 the UDIA has state that “Housing affordability in South Australian will continue to decline and the State’s national reputation as a liveable location will be eradicated if critical land supply issues are not resolved.”⁵

⁵ Urban Development Institute of Australia, SA Division, Media Release dated 1 May 2008.

7.1 Planning for Transport Corridors.

A Liberal Government will:

Introduce a set of uniform zones across council areas to ensure more effective and sustainable development along transport corridors.

As our city changes and if we accept the research which shows that our climate is changing, we must adjust. Adjusting doesn't mean symbolically placing solar panels on the roof of Parliament House and other State buildings but it does mean changing the way we move. This brings with it new opportunities for delivering good residential development; developments where government and councils can work together to ensure services are provided for residents to reduce dependence on motor vehicles.

Interstate and overseas governments have recognised that transport orientated development is essential to the growth of cities but also more sustainable in terms of the provision of passenger transport services.

The electrification of rail will bring an opportunity for closer development along transport corridors; more specifically, rail corridors.

Through a system of uniform zones across council areas, we will work with councils to ensure more effective and sustainable development along transport corridors.

This position is supported by the Property Council of Australia which describes the principle of transport orientated design “as the new global paradigm for housing growing populations in a sustainable way.”⁶

⁶ Transport Orientated Development on Track to House Thousands, Property Council of Australia, Media Release, April 2008.

8.1 Consistency Across Councils

A Liberal Government will

Deliver consistency across councils in development plans and encourage councils to work together on regional planning.

There are 68 Councils across South Australia. This means there are 68 development plans and 68 different interpretations of the Planning Strategy and other State plans.

There are many inconsistencies across councils in approach, plans and zoning. The Liberal Opposition will ensure that council development plans are consistent across councils and will encourage councils to work regionally.

By working regionally councils will be able to pool the resources available to them, not only to ensure economies of scale when assessing development applications but also to ensure that infrastructure and services are provided regionally where appropriate.

In South Australia there are several categories of development, all have their different requirements for consultation, notification and planning regulations; where a development is a category 2 or 3 then a notice of development including where further information can be found on the development should be displayed on the development site.

A review of consultation and notification requirements will be undertaken to ensure they reflect the impact of a development. It is not appropriate for a development application for tennis court lights in Pt. Lincoln to give notification across the state, when it is the immediate neighbours that need notification.

9.1 **No Infrastructure Levies**

A Liberal Government will

Legislate to stop councils implementing any new infrastructure levies.

Infrastructure levies have been the norm in New South Wales for a number of years. The levies are designed to assist councils in the provision of infrastructure and services for new developments. There is anecdotal evidence that councils have been using the levies to fund other capital and infrastructure builds which do not directly correlate to the particular development being charged the levies.

Whilst the council charges the developer the levy, this is ultimately passed onto the home buyer therefore impacting on housing affordability.

In October 2007 Infrastructure levies in New South Wales were cut;⁷ they were seen as adding to the cost burden on new homes and squeezing young first home buyers out of the market.

These levies are currently in Mt Barker and Gawler. Our fringe development needs to be affordable for first home buyers. Councils need to be adequately resourced so that these types of levies are not necessary. The Liberal Opposition will ensure that infrastructure levies are not charged by councils on new developments.

⁷ Media release dated 12 October 2007 - Tanya Plibersek - Member for Sydney

10.1 A Plan to protect South Australia’s Built Heritage

A Liberal Government will:

Ensure flexibility in the protection of South Australia’s Heritage, by placing an “overlay” of heritage requirements on the residential code.

In South Australia our heritage is what makes our suburban street scapes attractive. In our Master Plan and Vision for Adelaide we have set out a vision for our street scapes as we recognise that Adelaide has many beautiful and local heritage homes and suburbs.

Our city is changing at a rapid rate and we must protect our historic character suburbs which are being eroded by development which is not sensitive to the substance and history of our City.

Working with Local Government, the State Government must extend the use of “no demolition” orders for selected local heritage homes. We must also make it easier for people to renovate their homes, in character, without too much planning red tape. That is why an overlay over the residential code systems will ensure both the protection of our heritage suburbs and the reduction of red tape.

11.1 **Swift, Electronic Government Referrals**

A Liberal Government will

Ensure that, where appropriate, all government referrals are completed electronically.

Many councils find that the length of time for referrals to government agencies is increasing⁸. Agency requirements should be reflected in Council Development Plans or a uniform code provided to councils. This should reduce the number of agency referrals and any further referrals must be completed in a timely manner.

Review of Schedule 8 of the Development Regulations (Referrals to Agencies) will be reviewed. Referrals will be completed electronically and referrals to the Department of Environment and Heritage will cease as councils already have heritage advisers who also represent the Department. The referral to DEH is seen as duplication by councils and further delaying the process⁹.

⁸ LGA submission page 18

⁹ LGA submission page 18

12.1 Educating for Success

A liberal Government will:

Introduce standard educational material for the planning system to be provided by Planning SA for distribution by Councils. Planning SA will be responsible for educating users of the planning system.

Most individuals become aware of the development system when it directly impacts on them. Usually this is through their own application for development or because of an impending development within their area.

In representations to the Liberal Opposition it was a commonly held belief that many development applications were held up because of lack of information and detail.

Councils provide information regarding the development system but the development system is difficult to understand, the requirements are different in every council and the promotional and educational information is at varying standards. Providing ready access to information when it is needed is essential and councils do this through the internet and at council offices.

Information can be provided by councils but it is important that this information is consistent across all Councils. It is for this reason that reforming and streamlining the planning system is essential. Government must take a leadership role in the promotion of the planning system and the education of users.

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