Issues Paper:
A Best Practice Planning Policy Framework for South Australia
Planning Reform Issues Paper
Planning Policy Framework

Prepared for Local Government Association of South Australia
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1.0 Introduction

The Local Government Association of South Australia (the LGA) has commissioned this Issues Paper to identify issues and reform options relating to South Australia’s planning policy framework.

The Issues Paper is intended to be a resource for Local Governments as they respond to South Australia’s Expert Panel on Planning Reform, including its forthcoming Options Paper due for release in mid 2014.

The Issues Paper contains:

- A brief overview of the current planning policy framework in South Australia (Section 2.0);
- A summary of key issues and challenges associated with the current planning policy framework drawn from the LGA’s consultation with Local Governments around the state, and options for reform of the planning policy framework to respond to the identified issues and challenges (Sections 3.0 to 6.0); and
- A summary of the planning policy frameworks of Western Australia, Victoria and Queensland and relevant reform ideas for South Australia (Section 7.0).

1.1 What is the planning policy framework?

In the context of this Issues Paper, the planning policy framework is the planning policy instrument and the plan-making process - the rules and practices through which planning policy intent is realised. Under the current planning system, the planning policy framework as described consists of:

- The form and structure of Development Plans, including language used and mechanisms available to implement policy such as complying and non-complying lists, Desired Character statements, plans and overlays; and
- The processes, roles and responsibilities associated with changing or introducing new planning policy, including Development Plan Amendment processes and the South Australian Planning Policy Library (SAPPL).

1.2 LGA Planning Reform Objectives

In discussion of key issues and reform options, the Issues Paper has regard to Planning Reform Objectives developed by the LGA in consultation with the Local Government sector. These Objectives provide a frame of reference for challenges in the current system as well as system reform options.
### LGA Planning Reform Objectives

**Accessible**

1. Policies and processes are clear and consistent, resulting in equity, fairness and certainty.
2. Opportunities for public participation in the planning system are clear, with an emphasis on influencing outcomes at the strategic planning and policy development stages.
3. The pathways to development are clear and uncomplicated, with the level of assessment required matched to the level of risk of impact associated with a development.
4. The appeal and review process is timely and cost effective, and compliance and procedural matters are principally resolved through a non-judicial process.

**Integrated**

5. Planning policies and processes are underpinned by triple bottom line thinking, which balances the State’s economic, environmental and social interests.
6. Local Government works with the State Government to develop and implement an overarching planning strategy and to ensure that all major state and local policy documents are consistent with the strategy and with each other.
7. The system promotes excellence in urban and built form which improves the health and wellbeing of communities. This is underpinned by decision makers having a high level of planning and design competency.

**Accountable**

8. Decision making at all stages of planning is transparent and decision makers are held accountable for their performance by introducing fair and reasonable performance measures.
9. The development assessment process is robust, but is more efficient through the removal of red tape.
10. Planning policy can be updated quickly and efficiently, with amendments that are not seriously at variance with the Planning Strategy taking no more than 6 months to be finalised from the date of lodgement.
11. There is accountability in the planning policy amendment process through the introduction of performance measures and transparency through the introduction of an online ‘tracking’ system.

**Local Involvement**

12. Local Government has primary responsibility for developing and updating the local elements of planning policy and the assessment of local impacts of all development proposals.
13. Elected Members have a high level of engagement and influence in the development of local planning policy, which is used to make objective decisions about development outcomes.
1.3. How the Issues Paper has been developed

Prior to and during convening of the Expert Panel on Planning Reform, the LGA has been working with Councils to identify the key issues being experienced with the planning system. This has included identification of issues relating to the way in which planning policy is formulated, amended and implemented.

The key issues and challenges associated with the current planning policy framework from the Local Government perspective have been identified through review of the following documents:

- Responses on behalf of 13 metropolitan and regional Local Governments to the Planning Reform Questionnaire for Councils implemented by the LGA in November 2013;
- Summary Report of the Metropolitan Local Government Group’s Planning Improvement Workshop, February 2014;
- Analysis of Results of the LGA’s Development Plan Amendment Survey, June 2012;
- The Local Government Planning Agenda 21012-13 Discussion Paper developed by the LGA President’s Planning Forum, March 2012; and
- Adelaide City Council’s response to What We Have Heard, the first report of South Australia’s Expert Panel on Planning Reform.

From these documents, the most commonly identified issues associated with the current planning policy framework have been extracted. For each key issue, the Issues Paper provides:

- A summary of Local Government’s experience of the issue (as expressed in the documents);
- An objective discussion of the main aspects of this experience; and
- Discussion of options for reform to address the identified issues.
2.0 South Australia’s Planning Policy Framework

In South Australia the Planning Strategy provides the overarching policy direction for planning and development across the state. It is intended that these strategic directions as well as local planning controls are contained in Development Plans for each Council that new development must be assessed against. The Minister is the effective “owner” of all Development Plans while Councils are responsible for their implementation and review.

Development Plans are comprised of General provisions that are by and large consistent state-wide, and more localised policies for Zones and Policy Areas. Maps and tables also guide application of policies.

Development Plans, along with the Development Act and Regulations, guide the level of assessment required (complying, non-complying or merit) for particular forms of development in particular locations, as well as the level of public notification required.

The Department for Planning, Transport and Infrastructure (DPTI) publishes the South Australian Planning Policy Library (SAPPL), a suite of standard Zone policies designed to be incorporated into Development Plans state-wide, with scope for local variations to be negotiated by Councils.

Changes to a Development Plan may be undertaken by the relevant Council, by a group of Councils in collaboration, or by the Minister for Planning. Councils are required by legislation to review their Development Plans at least every 5 years and identify future amendments required. Councils may also initiate DPAs that are requested and funded by a landowner or developer.

Public and State agency consultation is a requirement for all DPAs. In some cases these consultations can occur concurrently, and over a reduced time period. Where Council undertakes a Development Plan Amendment (DPA), the Minister must approve the intent of the amendment and the specific policy changes. Policy change should seek to promote the policies within the Planning Strategy.

Generally new policies are implemented at the completion of a DPA process, however policies may come into effect earlier subject to approval by the Minister.

Discussion within the following Sections 3.0 to 6.0 is based on Local Government’s feedback around its experience of this framework in relation to the following key aspects:

- Development Plans;
- DPAs;
- Strategic planning; and
- Roles and responsibilities.
3.0 Development Plans

3.1 Local Governments’ experience

One of the roles of the Development Plan is to inform applicants, neighbours and the broader community about how an area is expected to be developed, and what form that development can be expected to take.

Councils have identified that the form and language of current Development Plans compromises this objective, being described as “long and cumbersome” and “unnecessarily complex”.

It was suggested that the Development Plan should instead be “easily read and understood by the community”, as well as locally relevant rather than “generic” or “theoretical”. Graphically presented master plans and structure plans with policy effect were identified as potential alternatives for communicating policy with the community.

Specific problems with Development Plans identified by Councils included:

- Substantial duplication of policy within Plans;
- Complexity of definitions of development in Schedule 1 of the Development Regulations requiring significant time and resources to define a proposed development. Examples given included that:
  - There are six types of “dwelling” in the definitions and this doesn’t cover all circumstances; and
  - Definitions don’t capture contemporary “integrated” developments such as service stations and health precincts;
- “Too many pitfalls” for Councils in the procedural matters of classifying the nature of the development and assigning a public notification category;
- The inability of Plans to be responsive to judgments of the Environment, Resources and Development Court (the ERD Court), as for example the Development Regulations are; and
- New mapping standards (comprising individual maps for location, transport, heritage and character, zones, policy areas, precincts etc.) being “over the top”.

While potentially an issue for the Development Act and Regulations rather than the Development Plan, the view was expressed that a “minor” assessment process should be accommodated, arising from the principle that “lower risk [development] should mean greater simplicity and speed of [assessment] process. This has a relationship to the perceived “cumbersome” and “complex” nature of
Development Plans, a view that is likely to be exacerbated where a full assessment process is required for relatively minor development.\(^1\)

The planning system aims to be integrated, providing for consideration of a range of issues that interface with, but are not completely within the remit of land use planning. Examples include natural resources management (NRM), native vegetation, and stormwater management. This relationship is reflected in legislation through for example referral triggers under the Development Regulations, and additional approvals required under for example the Native Vegetation Act.

In this context, Councils have posed questions relating to these various issues around how the Development Plan should interact with other relevant policies and legislation. For example, what should be in the Development Plan, what should be outside of it, and how these issues should be considered. The Residential Code is another document separate but related to the Development Plan, with some Local Governments preferring the documents be combined in a “one stop shop”.

**Key message from Local Government: Development Plans are too long and too complex.**

3.1.1. **Discussion**

These criticisms of the Development Plan raise the question of who is the intended audience for the document. While it is important that development assessment outcomes meet community expectations, the document itself must function as a resource for planners to facilitate those outcomes. The Development Plan is likely to be read by members of the community in limited circumstances such as when they are undertaking development, objecting to development (formally or informally) or purchasing property. While there may be scope for plainer language, the specific expression of policy is important as the basis of decision making, and potentially the subject of scrutiny in the Environment Resources and Development Court.

A challenge for the planning policy framework is that calls for less complexity and greater streamlining of policies and processes are frequently accompanied by calls for policy to at the same time encourage better outcomes, provide greater certainty, and be more locally relevant. These objectives and the methods of achieving them have potential to conflict.

The SAPPL seeks to improve the consistency and clarity of structure and wording within Development Plans, and the use of SAPPL across the State is intended to improve ease of use by all stakeholders.

Creation of separate processes or policy mechanisms to “streamline” minor or low risk developments can have the opposite of the intended effect. South Australia’s Residential Code is one example of this. Due to its complexity, some Councils have struggled to efficiently determine when the streamlined process under the Code

\(^1\) While this point is touched on in reference to the structure and functioning of Development Plans as a policy tool, more specific consideration of current development assessment processes and potential reforms will be the subject of a separate Issues Paper by the LGA.
should apply in what is effectively an initial layer of policy assessment outside of the Development Plan.

Within the current system the Development Plan must be adequate to assess both very simple and very complex developments. Simplification or removal of assessment tools from the Development Plan involves judgements about what policies or levels of policy are more or less important, and such views are likely to vary between Councils and communities, as well as depending on the type of development in question. In the case of more complex developments, Councils will want a robust Development Plan to rely upon.

3.2. Reform options

In response to issues identified by Local Government, the following reform options are presented as opportunities to achieve Development Plans that are concise, simple, and relevant to the users to deliver outcomes that meet expectations of the community.

<table>
<thead>
<tr>
<th>Reform option</th>
<th>Rationale</th>
<th>Considerations for Local Government</th>
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</thead>
<tbody>
<tr>
<td>1. Engage with and educate the community around Development Plans</td>
<td>Genuinely and innovatively engaging with the community at both strategy and policy development stages in the planning policy framework would enable Development Plans to better reflect community priorities and expectations, and enable the community to better understand the role and format of Development Plans.</td>
<td>Genuine community engagement has resource implications that would need to be factored in to Council budgets.</td>
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<tr>
<td>2. Develop assessment guides to support policy interpretation</td>
<td>To be effective the Plan must be actively considered and implemented thoroughly and in good faith. If the Plan is considered too complex, support may be required for planners' identification, interpretation and weighting of relevant provisions.</td>
<td>This option would interact with Local Government's ongoing role in supporting staff professional development.</td>
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<tr>
<td>3. <strong>Review Schedule 1 definitions</strong></td>
<td>Review of definitions to simplify and reduce defined terms could enable more efficient classification and assessment of contemporary forms of development.</td>
<td>Local Government would have a role in communicating to applicants the implications of any changes to definitions. A crossover period where applications previously lodged and new applications would be treated differently would have to be managed by Councils.</td>
</tr>
<tr>
<td>4. <strong>Simplify public notice categories</strong></td>
<td>Review of Schedule 9 could simplify categorisation for public notification and ensure appropriate requirements to notify apply.</td>
<td>Any changes to notification rules would need to be clearly communicated to the community. Some community members may have expectations of being informed that are not met and Councils would have to manage this.</td>
</tr>
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4.0 Development Plan Amendments

4.1 Local Governments’ experience

Councils have expressed concern on numerous occasions that Council initiated Development Plan Amendments (DPAs) take too long and require disproportionate investment of resources to be completed. The main reasons cited for this view are:

- Unreasonably long DPA review and approval times by DPTI and the Minister’s office;
- DPTI’s requirements for unreasonably detailed investigations at the Statement of Intent (SOI) stage of the process; and
- Substantial effort involved in justifying DPAs in the context of the Planning Strategy.

For Councils, the consequences experienced as a result of such prolonged and intensive processes include:

- In some cases, policy being outdated almost as soon as it is approved;
- An inability to respond quickly to emerging development issues through Development Plan policy; and
- Increased risk that State Government strategies, policies (e.g. SAPPL) or templates will change during a DPA process, resulting in either:
  - Additional work to revise the DPA (potentially including further investigations and/or consultation); or
  - Continuing through the system with an amendment inconsistent with the most recent strategic framework.

Some Councils have the view that extensive requirements for SOI investigations may be required to make up for shortfalls in investigations during development of the Planning Strategy, and expressed that justifying DPAs in relation to the Planning Strategy to the State Government’s requirements is overly onerous.

Councils also expressed dissatisfaction that minor changes to policy and updating to the latest version of the SAPPL require the full DPA process.

Some Councils have experienced negotiations and agreements reached with State Government agencies not being recognised in the Minister’s consideration of an SOI.

A lack of communication between the State and Local Governments during the DPA process was a frequently cited concern.

Councils also identified concerns over a lack of process clarity and community confusion around privately funded DPAs.
Key message from Local Government: The process for updating Development Plans can be too long, too onerous and inefficient.

4.1.1. Discussion

The June 2012 LGA survey of Councils in relation to DPAs found that timeframes for the Minister’s authorisation of respondent Councils’ SOIs ranged from within 3 months (almost 45%) to 36 months or more (less than 3%). Of 63 Council DPAs, almost half took more than 2 years from commencement to authorisation.

Based solely on the LGA survey data, in some cases DPAs are transitioning through the system in a relatively timely manner, some DPAs are taking excessive time to complete, and many are somewhere in between. There is opportunity to create further efficiency in the system.

Reasons for the pace of the current process could include:

- Insufficient resources within the State Government and Councils;
- Differing views and poor communication between State and Local Government about the role and requirements of each DPA stage;
- More complex DPAs taking more time;
- Misalignment between State and Local Government as to what constitutes an appropriate level of investigations.

While identified by some Councils as an overly onerous requirement, alignment of policy amendments with the Planning Strategy is an important part of effectively implementing the current planning system and orderly planning across the state. A similar process occurs in other Australian states and territories. Differences may arise around what degree of evidence is required to demonstrate alignment, and the fact that some regional volumes of the Planning Strategy are overdue for updating also creates challenges for this part of the process.

A trend for more thorough investigations at SOI stage may be a deliberate attempt to streamline preparation of the subsequent DPA, though if so this is not being clearly communicated to Councils.

4.2. Reform options

In response to issues identified by Local Government, the following reform options are presented as opportunities to achieve an efficient and reasonable process for updating Development Plans.
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<tr>
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<tr>
<td><strong>5. Align stakeholders on DPA process expectations</strong></td>
<td>Alignment of State Government and Local Governments on DPA process goals, expectations and conflict management processes in the event of disagreements would provide certainty to all parties and potentially resolve key issues outside of individual DPAs, e.g. how to move forward when there is a key point of policy contention between a Council and the Minister. Such agreement could form an addition to existing State and Local Government agreements.</td>
<td>Commitment, including commitment of resources would be required of Local Government to participate meaningfully in an alignment process.</td>
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<tr>
<td><strong>6. Remove Ministerial approval from minor amendments</strong></td>
<td>Removing the Minister’s role for minor DPAs would enable minor changes to be made more efficiently. Responsibility for authorising minor changes would be delegated to Councils. What constitutes “minor” would need to be clearly defined and verified in each case by endorsed delegates, such as for example regional bodies.²</td>
<td>There would be a risk of criteria for minor amendments being applied inappropriately if not clearly defined. Councils and regional bodies would require support to exercise new responsibilities.</td>
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² It is noted that the LGA is currently investigating formation of regional bodies in a separate project.
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<tr>
<td>7. Enable a “fast track” process with less stages for DPAs initiated solely to progress the Planning Strategy</td>
<td>A simplified process would enable the Strategy to be effected in policy through the statutory process more quickly and efficiently. Success of this option relies on sufficient community and agency engagement in development of the Planning Strategy. Such a process may also be applied where Structure Plans have been developed involving appropriate consultation.</td>
<td>If community and agency engagement in development of the Planning Strategy were inadequate, Councils may be required to manage conflict amongst community and stakeholders at DPA stage with flow on impacts on resources, timeframes, and ability to achieve policy objectives.</td>
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<td>8. Enable optional delegation of Councils’ DPA approval processes to the Chief Executive or Chief Executive and Mayor</td>
<td>Some Councils may choose to reduce DPA timeframes by streamlining their internal approval processes.</td>
<td>Councils’ ability to take up this option may be impacted by the composition of the Elected Member body and the specific circumstances of the Council.</td>
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<td>9. Enable automatic update of SAPPL modules across all Development Plans, subject to agreement of a Reference Group including Local Government representation</td>
<td>Remove the requirement for a DPA where the SAPPL modules are updated without change in order to reduce timeframes to update policy.</td>
<td>This option would remove community and agency consultation from the amendment process. This may be unsatisfactory for some members of the community and stakeholders, and this would have to be managed by Councils at the local level.</td>
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<td><strong>10. Strengthen DPTI’s role as gatekeeper of agency comments</strong></td>
<td>DPTI could take a stronger role in filtering and prioritising agency comments on DPAs to avoid delays caused by uncertainty of the status of referral comments and inter agency conflicts.</td>
<td>This option would rely upon strong relationships and good communication between Councils and DPTI.</td>
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<td><strong>11. Expand DPTI’s role in supporting Council DPAs</strong></td>
<td>Timeframes and potential for conflict could be reduced by further support by State Government in assisting Councils to produce requested investigations, particularly for matters of direct relevance to the Planning Strategy.</td>
<td>This option would rely upon strong relationships and good communication between Councils and DPTI.</td>
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<tr>
<td><strong>12. Provide guidance within legislation for management of privately funded DPAs</strong></td>
<td>A consistent approach to privately funded DPAs statewide would increase certainty, efficiency and transparency in these processes for landowners/developers, Councils and the community.</td>
<td>Councils would be required to follow the legislated process, which may have implications for Council processes and resources.</td>
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5.0 Strategic Planning

5.1 Local Governments’ experience

5.1.1 State Government strategic planning

Local Government has identified the following gaps within the State strategic planning process:

• A lack of consultation with Local Government and the community in development of the Planning Strategy, which can translate to conflict at the DPA and development assessment stages;

• A lack of investigations in development of the Planning Strategy, transferring the requirement for detailed investigations to the DPA process, usually undertaken by Council. This can also take the form of State Government agencies other than DPTI having extensive requirements for Councils at DPA stage.

• A lack of focus on rural and regional areas in the development of the Planning Strategy, which creates issues for regional Councils wanting to update their Development Plans;

It was noted that some Councils delay local initiatives such as DPAs, structure plans and infrastructure planning pending State Government processes, even though these processes may involve little consultation with Local Government.

5.1.2 Local Government strategic planning

Some Councils highlighted inefficiencies with the Strategic Directions Report (SDR) process under which Development Plans are required to be regularly reviewed. It was noted that the SDR process is “not necessarily the best way to keep abreast of emerging planning issues”.

Views were represented that the Development Plan should be reviewed both more frequently and less frequently than currently required by legislation.

It was noted that there is potential for confusion within the community between Council’s Strategic Management Plan (SMP) process under the Local Government Act and the SDR process, and that conducting these processes separately can involve duplication and inefficient use of resources.

5.1.3 Infrastructure

The view was noted that the Planning Strategy needs to be more consistently implemented through both Ministerial and Council DPAs, including planning for physical and social infrastructure delivery. Some Councils expressed that currently,
there is a lack of alignment between urban development and provision of social infrastructure and human services. Some Councils expressed the view that rezoning often leads to “windfall profits” for landowners and developers, with no obligation to finance the off-site physical and social infrastructure needs of the future community that reflect the “true cost” of the development. The expense falls to Council as there is no mechanism for physical and social infrastructure charges.

**Key message from Local Government: There are gaps and inefficiencies in State and Local Government strategic planning processes.**

5.1.4. **Discussion**

The LGA’s 2012 DPA survey found that of the DPAs currently underway by the respondent Councils at that time, 57% were included in Councils’ SDRs (then Section 30 Reports), and 43% were not. This may include privately funded DPAs that our outside of Councils’ planning process. While a limited sample, this indicates that SDRs are perhaps not the overwhelming basis for DPAs.

Councils have different approaches to SDRs, with some more complex and involving more detail than others.

While there is always scope to improve, it can be argued that there has been advancement in the quality of Planning Strategies over time. In terms of investigations, a number of background papers were prepared for The 30-Year Plan for Greater Adelaide, but these may not be widely accessible (they are not currently available on the 30-Year Plan website).

Section 30 of the Development Act requires SDRs to set out a Council’s priorities for infrastructure planning with respect to both physical and social infrastructure. Currently the onus is on Councils to determine what infrastructure is required, which requires resources. There is no mechanism for developer financial contributions to infrastructure, with negotiations generally occurring at DPA stage. This issue is the subject of separate work currently underway by the LGA, and as such reform options for this issue are not presented in this paper.

5.2. **Reform options**

In response to issues identified by Local Government, the following reform options are presented as opportunities to achieve strategic planning processes that support efficient, constructive policy development and generate community acceptance.
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<tr>
<td>13. Improve community and stakeholder engagement, including Local Government engagement, in development of the Planning Strategy</td>
<td>Genuinely and innovatively engaging with the community at strategy stage is both a best practice approach, and likely to increase efficiency and decrease conflict in subsequent DPA processes.</td>
<td>Councils may have a role in supporting engagement on the Planning Strategy. Genuine community engagement has resource implications that would need to be factored in to Council budgets.</td>
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<tr>
<td>14. Reinvigorate Structure Planning process with Local Government involvement</td>
<td>It was previously envisaged that Local Government would be engaged in development of Structure Plans associated with the Planning Strategy. Structure planning remains an opportunity to involve Councils and effectively link the Strategy with the DPA process.</td>
<td>Involvement in structure planning would have resource implications that would need to be factored in to Council budgets.</td>
</tr>
<tr>
<td>15. Encourage Local Governments to combine the SDR and SMP processes</td>
<td>Some Councils currently combine these two processes to create efficiencies and avoid the community confusion described in the feedback from Local Government. Given the documents are required under different legislation it may not be practical to combine the processes formally. State Government could however encourage the integration of implementation of the processes, and provide support and guidance for Councils around how to best achieve this.</td>
<td>Councils would need to coordinate their SMP and SDR processes to enable community engagement to occur at an appropriate stage for development of both documents.</td>
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### Reform option

**16. Expand the SDR process to form Local Government contributions to the Planning Strategy**

#### Rationale

Involving Local Government in contributing to development of the Planning Strategy would genuinely engage Councils in the process, and potentially enable more investigations and consultation to occur at strategy stage rather than SOI stage.

This could be achieved through an expanded SDR process that aligns a DPA program to the current Strategy and provides input to the Strategy’s next iteration.

Another option would be to remove the requirement the SDR in its current form, replace it with a process of contribution to the Planning Strategy, and enable Development Plan reviews at Councils’ discretion.

#### Considerations for Local Government

This option would have resource implications dependent on the scope of Local Government contribution to the Planning Strategy. These would need to be factored in to Council budgets.
6.0 Roles and responsibilities

6.1 Local Governments’ experience

State and Local Government both:

• Undertake strategic planning - the State’s Planning Strategy and Councils’ Strategic Directions Reports; and

• Create Development Plan policy through Council initiated and Ministerial DPAs and the SAPPL.

Councils have identified inconsistencies between the two levels of government in the expectations and practices associated with these roles. Specifically:

• Draft Ministerial DPAs more often have interim affect prior to approval, while it is more difficult for Councils to quickly introduce policy to manage issues or capture opportunities. This is exacerbated where DPA timeframes are excessive (refer Section 3.2).

• The level of justification and investigations provided to support Ministerial policy changes have not been consistent with the level of detail sought from a Council initiated DPA;

• Councils are often not consulted prior to the release of Ministerial DPAs, while the State Government is heavily involved in Council initiated DPAs; and

• There is no legislative requirement for the SAPPL to be reviewed and updated, while Councils are required to review their Development Plans every 5 years.

Other concerns expressed by Councils were a lack of accountability in Ministerial DPAs as the Minister is both instigator and approver, and that at times substantial changes are made to Ministerial DPAs after consultation, without clear and transparent justification.

The view was also noted that limited community and stakeholder engagement occurs in State Government’s development of the SAPPL.

Identified tensions around State and Local Government roles in planning policy making at local and regional levels include:

• The view expressed amongst some Councils that the SAPPL does not adequately respond to local issues and context, and that “Policies can be too narrow to apply to all Councils in all circumstances”; and

• A desire for greater Local Government autonomy in policy making - “Councils should be free to add content to manage local conditions at policy level”.
Key message from Local Government: There are inconsistent expectations of State and Local Government in similar strategic and policy planning roles.

Local Government seeks greater authority and autonomy in local and regional plan making.

6.1.1. Discussion

Under the South Australian legislation, State Government is in effect the custodian of the planning system, being responsible for the overarching strategy and system operation. Local Government however also has strong ownership of the system, being its primary implementer, and the interface between the system and the community.

There is a case for greater flexibility in Ministerial DPAs, in the sense that they may be implemented for a broader public policy benefit. The acceptance of such a benefit may however be contested.

The Development Policy Advisory Committee is involved in both Ministerial DPAs and some Council DPAs. The Environment, Resources and Development Committee of parliament may object to or suggest amendments to any DPA.

While in the documents reviewed, there was some indication of Councils experiencing resistance within DPTI to local variations to SAPPL, under the current system local variations to SAPPL can be negotiated and often are. There is however no formal guidance as to the parameters or requirements of these negotiations.

6.2. Reform options

In response to issues identified by Local Government, the following reform options are presented as opportunities to achieve alignment of the expectations and requirements of all administrators of the planning system, and a planning policy framework that recognises local knowledge, experience, and sense of ownership of Development Plans.

<table>
<thead>
<tr>
<th>Reform option</th>
<th>Rationale</th>
<th>Considerations for Local Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. Introduce a process for the “best” of local additions to be incorporated into revisions of the SAPPL</td>
<td>Local additions by Councils are a potential source of continuous improvement for the SAPPL.</td>
<td>Inclusion of local additions would not be subject to consultation with Councils. This could create conflict if additions are not suitable for some Councils.</td>
</tr>
<tr>
<td>Reform option</td>
<td>Rationale</td>
<td>Considerations for Local Government</td>
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<tr>
<td><strong>18. Improve engagement, including Local Government engagement, on SAPPL</strong></td>
<td>Consultation with Local Government in developing the SAPPL has potential to generate sense of ownership of the modules and contribute to their robustness. Council’s involvement could also support broader community engagement, increasing efficiency and reducing conflict at DPA stage.</td>
<td>Genuine community engagement has resource implications that would need to be factored in to Council budgets.</td>
</tr>
<tr>
<td><strong>19. Amend interim effect provisions of the Development Act to enable interim restriction of development but not facilitation of development</strong></td>
<td>Interim policies that facilitate development have caused conflict in some communities that has been directly experienced by Local Government. Improved community engagement has a role in managing issues associated with interim effect policies.</td>
<td>This option would remove the ability for Councils as well as State Government to seek interim operation of amendments to facilitate development.</td>
</tr>
<tr>
<td><strong>20. Review and refine roles and develop more effective approaches to collaboration</strong></td>
<td>Cultural change and improved communication have a role in improving the relationship between State and Local Governments throughout the planning policy framework. Specific opportunities include a more proactive approach by State Government to support Councils to manage the implementation of Ministerial DPAs – particularly where there is strong community reaction, and a measured approach to local additions to SAPPL modules.</td>
<td>Commitment, including commitment of resources would be required of Local Government to participate meaningfully in such a process.</td>
</tr>
<tr>
<td>Reform option</td>
<td>Rationale</td>
<td>Considerations for Local Government</td>
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<tr>
<td><strong>21. Apply Better Together Principles of Engagement to both Ministerial and Council DPA processes</strong></td>
<td>A consistent approach to genuine community engagement would provide certainty to the public (who may not differentiate between Council and Ministerial DPAs).</td>
<td>Genuine community engagement has resource implications that would need to be factored in to Council budgets.</td>
</tr>
</tbody>
</table>
7.0 Interstate Experiences

The planning policy frameworks of Western Australia, Victoria and Queensland have been reviewed to identify reform ideas that could be applied to the South Australian context. These systems are summarised in the following tables with reference to the key issues/framework components identified by this Issues Paper.

7.1 Western Australia

<table>
<thead>
<tr>
<th>Issue/ Framework component</th>
<th>WA System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Plans (equivalent)</td>
<td>Regional planning schemes administered by the Western Australia Planning Commission (WAPC) deal with broad land use zones, regional open space and infrastructure coordination. Local schemes administered by Local Governments are the statutory tool for achieving Local Government objectives subject to compliance with the State statutory and strategic framework. Schemes deal with land use, development control and infrastructure coordination with reference to the local planning strategy. Development approval is required under both schemes, and Local Government can perform both assessments.</td>
</tr>
<tr>
<td>DPAs (equivalent)</td>
<td>Regional scheme amendments involve public consultation, assessment by WAPC, the Minister, and for major changes the Governor and Parliament. Major and minor amendment streams differ in the requirement for Ministerial consent to advertise, the advertisement period, and parliamentary oversight. Creating or amending local schemes involves a commencement process (similar to SA’s SOI) involving WAPC comment and referral to relevant State agencies. At this stage the EPA determines the requirement for level of formal assessment. Formulation of the scheme includes WAPC review and in the case of new schemes Ministerial approval for public advertisement. Local Government proposes modifications arising from public advertisement for WAPC review and Ministerial approval. Changes can result in re-advertisement. Amendments to local schemes “would generally be</td>
</tr>
</tbody>
</table>
### Issue/Framework component

<table>
<thead>
<tr>
<th>WA System</th>
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<tbody>
<tr>
<td>initiated to bring the scheme into line with changes in planning procedures; to reflect changes to a State or regional planning policy; or to allow for a different use of land, varied development standard, or to provide additional subdivision or development potential”.³</td>
</tr>
</tbody>
</table>

### Strategic planning

| Local schemes must be reviewed every 5 years, supported by a local planning strategy. |

### Roles and responsibilities

| Minister for Planning approves local planning schemes/amendments and minor amendments to regional schemes, recommends major regional scheme amendments and State policies to the Governor or Parliament. |

WAPC has state-wide responsibility for state-wide planning and land development matters. Its membership includes an independent chair, the Chief Executive of the Department of Planning and other State agencies, representatives of Local Government, and independent experts. Amongst other functions WAPC is responsible for the State planning strategy and policies and regional planning schemes.

The Department for Planning provides expertise and administration to support WAPC.

Local Governments prepare and administer local planning schemes and strategies. All local schemes and policies must be consistent with State Government objectives and requirements, and regional planning schemes where relevant.

### Reform ideas for SA

| A role in all DPAs for body such as WAPC made up of State and Local Government representatives and independent experts to review DPAs, with technical support from DPTI. This could take the form of an expanded role for the current Development Policy Advisory Committee in reviewing and assessing DPAs. |

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³ Department of Planning (2014) Introduction to the Western Australian Planning System, p. 22
7.2. Victoria

<table>
<thead>
<tr>
<th>Issue/Framework component</th>
<th>VIC System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Plans (equivalent)</td>
<td>Planning schemes control land use and development within a Local Government Area. Each scheme includes a user guide, state and local planning policy frameworks, zones, overlays, particular provisions, general provisions, definitions, incorporated documents, and a list of amendments. Some of these components are consistent across the state, several sections may contain schedules with local content, and the local policy framework is made up of entirely local content.</td>
</tr>
<tr>
<td>DPAs (equivalent)</td>
<td>Councils initiate changes to a planning scheme under a legislated process that requires demonstration of planning merit and consistency with future directions for the municipality. Steps include concept development and documentation, a request for approval from the Minister to prepare an amendment the scheme, public notice and consideration of submissions, submission of the amendment to an independent planning panel where a recommendation is made to adopt or abandon, and finally, approval by the Minister. It usually takes between six and eight months for amendments to be prepared, considered and approved. The Minister may amend a planning scheme following realignment of Council boundaries and in other legislatively defined circumstances. The Victorian Planning Provisions are used as a reference for developing planning schemes to maintain consistency across the state (similar to SAPPL, but with statutory effect).</td>
</tr>
<tr>
<td>Strategic planning</td>
<td>Metropolitan and regional strategic plans provide a strategic framework for growth and development statewide. In May 2014 metropolitan and regional Strategic Plans</td>
</tr>
</tbody>
</table>

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4 Department of Planning and Community Development (2008) Planning: A Short Guide, p. 27
## Issue/Framework component

<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>were inserted into the state planning framework. Councils can refer to these plans in making day to day decisions and developing their own long-term strategic plans.</td>
</tr>
<tr>
<td></td>
<td>As well as planning directions and infrastructure provision, the new metropolitan strategy Plan Melbourne focuses “strongly on implementation to achieve better governance ..., regulation and funding options”.5</td>
</tr>
<tr>
<td></td>
<td>State Government is working with Councils within five recently established metropolitan subregions to coordinate infrastructure priorities.</td>
</tr>
</tbody>
</table>

## Roles and responsibilities

<table>
<thead>
<tr>
<th>Roles and responsibilities</th>
<th>A Metropolitan Plan Authority was established in 2013 to lead implementation of Plan Melbourne.</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Independent planning panels are appointed by the Minister to hear submissions and provide advice in relation to proposed planning scheme amendments. Panels may also be appointed to consider planning permits at the Minister’s request. The Minister may also appoint Advisory Committees to review certain proposals or policies.</td>
</tr>
<tr>
<td></td>
<td>Panels and advisory committees make recommendations, but the final decision is made by statutory authorities or the Minister. Panels are assembled from a group of 7 senior members and 8 sessional members.</td>
</tr>
<tr>
<td></td>
<td>The Minister for planning approves changes to planning schemes and prepares planning schemes in specific circumstances.</td>
</tr>
<tr>
<td></td>
<td>Councils prepare and administer planning schemes, and contribute to implementation of the planning strategy in subregional groups.</td>
</tr>
</tbody>
</table>

## Reform ideas for SA

<table>
<thead>
<tr>
<th>Reform ideas for SA</th>
<th>More detailed infrastructure planning in the Planning Strategy.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Consideration of funding in the Planning Strategy.</td>
</tr>
<tr>
<td></td>
<td>Specific initiatives with short, medium and long term actions in the Planning Strategy, and collaborative implementation by Local and State Government.</td>
</tr>
</tbody>
</table>

Independent planning panels to advise the Minister on DPAs.

### Queensland

<table>
<thead>
<tr>
<th>Issue/Framework component</th>
<th>QLD System</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development Plans (equivalent)</strong></td>
<td>Local planning schemes are administered by Local Government. The format and structure of schemes is set by the state-wide Queensland Planning Provisions. Schemes must be reviewed every 10 years.</td>
</tr>
<tr>
<td><strong>DPAs (equivalent)</strong></td>
<td>Local scheme amendments are prepared by Local Governments and approved by the Minister. The four stage process comprises planning and preparation, a State interest review, public consultation, and adoption, which together may take up to 23 months. For minor and administrative amendments (as agreed to by the Minister), the State interest review and public consultation phases are not required, removing up to 40 weeks from the timeframe.</td>
</tr>
<tr>
<td><strong>Strategic planning</strong></td>
<td>The State Planning Policy addresses 16 State interests, and contains principles and implementation strategies that must be applied by local governments when amending local planning schemes. Where there is a discrepancy between a local planning scheme and a state planning policy, the state planning policy takes precedence. Regional plans further the objectives of the State Planning Policy at a region-specific scale. “Master planned areas” under legislation (typically greenfields sites) are subject to a special planning process by either the Minister or Local Government, including a structure planning phase.</td>
</tr>
<tr>
<td><strong>Roles and responsibilities</strong></td>
<td>The Department of State Development, Infrastructure and Planning develops regional plans, state planning policies, strategic studies, and undertakes planning and coordination of</td>
</tr>
<tr>
<td>Issue/Framework component</td>
<td>QLD System</td>
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<tr>
<td></td>
<td>infrastructure on behalf of the Minister. Councils undertake local planning scheme amendments and administer local planning schemes. The Minister approves the scope of planning scheme amendments and final amendments.</td>
</tr>
<tr>
<td>Reform ideas for SA</td>
<td>Statutory guidelines by the Minister for planning and development to provide direction on process and addressing planning issues. Reduced DPA steps and timeframes for minor and administrative amendments. Consider Queensland’s criteria for minor amendments.</td>
</tr>
</tbody>
</table>
8.0 References
Department of Planning (2014) Introduction to the Western Australian Planning System, State of Western Australia, Perth.


http://www.planning.wa.gov.au