

## Planning Reform Update – key points from the Government’s response to the final report and recommendations of the Expert Panel on Planning Reform

The Government’s response to the Expert Panel’s final report was published yesterday afternoon. The response comprehensively illustrates the Government’s plans for reform of South Australia’s planning system over a 3 - 5 year period.

Key elements of the response include:

- new legislation will be enacted to replace the *Development Act 1993* and the *Urban Renewal Act 1995*. It is intended that the *Road Traffic Act 1961* and the *Motor Vehicles Act 1959* will be integrated into the new legislation;
- a bill will be introduced into Parliament in July 2015, with feedback sought on the bill during Parliament’s winter break. Debate on the bill will commence in September 2015;
- the new legislation will be drafted such that it will be implemented in stages;
- the creation of a state planning commission is supported in principle by the Government, though on the basis that the commission will remain subject to the direction of the Minister;<sup>1</sup>
- regionalisation<sup>2</sup> is supported in principle for country councils and remote areas. The Government recognises that country

<sup>1</sup> Reform 1  
<sup>2</sup> Reform 2

councils have already implemented,<sup>3</sup> or are investigating regionalisation options<sup>4</sup> and, in light of this, proposes to introduce a pilot regionalisation scheme for country councils who wish to collaborate. Regionalisation is not immediately supported for metropolitan councils (other than the creation of Regional Development Assessment Panels)<sup>5</sup> and the Government intends to “continue dialogue” with metropolitan councils on system improvements;

**“the creation of a state planning commission is supported in principle by the Government...”**

- planning policy reforms will occur, with the Government supporting the simplification of the implementation of State planning directions,<sup>6</sup> supporting the concept of regional development plans,<sup>7</sup> supporting the implementation of a single “menu” of planning rules,<sup>8</sup> and changes to the development plan amendment system to improve efficiency and to allow private land owners, Government agencies and infrastructure providers to initiate amendments.<sup>9</sup>

<sup>3</sup> There are three Regional Development Assessment Panels constituted in South Australia. The Riverland Councils not only have an RDAP in place, but also harmonised their Development Plans so that they are largely consistent some years ago.

<sup>4</sup> Recently, the LGA and SELGA are undertaking a Regional Planning Alliance Project which is considering regionalisation options for planning, building and enforcement functions. In November 2014 a discussion paper was prepared in conjunction with Development Answers and KellyJones Lawyers on how this could be achieved and the constraints which exist under the current planning system: <http://www.lga.sa.gov.au/webdata/resources/files/2012.16%20and%202013.22%20-%20LGRDS%20-%20Final%20discussion%20paper.pdf>

<sup>5</sup> Reform 11

<sup>6</sup> Reform 5

<sup>7</sup> Reform 6

<sup>8</sup> Reform 7

<sup>9</sup> Reform 9

- development assessment pathways<sup>10</sup> will be reformed with more “as of right”/exempt developments and the introduction of performance-based assessment, and notification requirements better linked to assessment pathways. On-site advertising of development application is supported, as is the incorporation of other statutory consents into the development assessment process. The Government does not support the reintroduction of “prohibited” developments, though this will be considered further before the bill is introduced into Parliament;
- only accredited professionals with expertise relevant to planning, engineering, environmental science, architecture and urban design are to be appointed to Development Assessment Panels; elected members will not be eligible for appointment<sup>11</sup>

**“the expansion of precinct planning is supported...”**

- the role of private certifiers is to increase, subject to stricter auditing and oversight;<sup>12</sup>
- a “call in power” for major projects will remain and the Government is considering whether judicial review of such decisions should be reinstated;<sup>13</sup>
- the introduction of desktop reviews of planning decisions and the integration of the ERD Court into SACAT will be considered. The Court’s ability to award costs will be broadened to better address commercially-motivated appeals;<sup>14</sup>
- enforcement reform will occur with new enforcement methods being considered including improvement notices and adverse publicity orders. Monetary penalties for

breaches may be adjusted to have regard for profits;<sup>15</sup>

- the expansion of precinct planning is supported, with the concept of “improvement districts” currently being considered;<sup>16</sup>
- the introduction of an on-line planning system is supported.<sup>17</sup>

We encourage each and every person who works within the planning system to read the report which can be accessed [here](#) and welcome any queries and questions in this regard.

We will, as promised, keep you updated as this process continues.

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<sup>10</sup> Reform 10  
<sup>11</sup> Reform 11  
<sup>12</sup> Ibid  
<sup>13</sup> Reform 12  
<sup>14</sup> Reform 14

<sup>15</sup> Reform 15  
<sup>16</sup> Reform 16  
<sup>17</sup> Reform 20