

ANNUAL REPORT
2017-18

Administration
of the
*Development
Act 1993*



Government of South Australia
Department of Planning,
Transport and Infrastructure

Annual Report on the
Administration of the
Development Act 1993
2017-18

Minister's foreword

In compliance with the *Development Act 1993*, section 21(1), I have prepared the following annual report on its administration for the period 1 July 2017 to 30 June 2018.

Furthermore, having regard for sections 22(6) and 22(7a), this report includes information on the implementation of and changes to the current Planning Strategy for South Australia.

Hon Stephan Knoll MP
Minister for Planning

October 2018

The planning framework

Introduction

South Australia's current planning framework guides land use planning and development of our state. It has four main components:

- The *Development Act 1993* and *Development Regulations 2008*
- The Planning Strategy for South Australia
- Development Plans for each council area
- Building Rules

The planning system in South Australia is currently being modernised and therefore the planning framework will change over time to comprise:

- *Planning, Development and Infrastructure Act 2016* and Regulations
- State Planning Policies
- Regional Plans
- Planning & Design Code

Legislation

The existing *Development Act 1993* and associated *Development Regulations 2008* is being replaced over time by the *Planning, Development and Infrastructure Act 2016* which received approval by the Governor on 21 April 2016.

To effectively modernise our planning system, it provides for a number of key reforms.

This includes the establishment of the new State Planning Commission, a Community Engagement Charter, new statutory State Planning Policies, Regional Plans and a single Planning and Design Code, new assessment pathways and a professional accreditation system.

To ensure a coordinated and seamless implementation of the new system, a Transitional Act, the *Statutes Amendment (Planning, Development and Infrastructure) Act 2017*, which was assented to by the Governor on 28 February 2017 provides the necessary stepping stones between the current *Development Act 1993* and the new *Planning, Development and Infrastructure Act 2016*.

The Planning Strategy for South Australia

The *Development Act 1993* assigns responsibility to the Minister for Planning (the Minister) to prepare a Planning Strategy for the state. It provides the spatial expression of *South Australia's Strategic Plan* and is used to guide land use planning and development as well as the delivery of services and infrastructure.

The Planning Strategy facilitates planning at state, regional and local levels by providing direction on land use and development over the medium to longer term (generally 30 years). The Development Act requires the state government to update the Planning Strategy at least every five years.

The Planning Strategy is comprised of seven volumes. The volumes and their most recent release dates are:

- *The 30-Year Plan for Greater Adelaide* (February 2010) and *2017 Update*¹
- *Far North Region Plan* (July 2010)
- *Kangaroo Island Plan* (January 2011) and *Addendum* (January 2014)
- *Murray and Mallee Region Plan* (January 2011) and *Addendum*²
- *Yorke Peninsula Regional Land Use Framework* (December 2007) and *Mid North Region Plan* (May 2011)
- *Limestone Coast Region Plan* (August 2011)
- *Eyre and Western Region Plan* (April 2012)

Development Plans

There is a development plan for each of the state's 68 local council areas, as well as a development plan for areas not located within local government boundaries.

Development plans contain the zones, maps and written policies that help determine what development can and cannot be done on any piece of land within the area covered by the development plan.

Building Rules

The Building Rules include the Regulations, the Building Code and Minister's Specifications and prescribe the technical requirements that apply to building work.

¹ The 2017 Update of *The 30-Year Plan for Greater Adelaide* was released in May 2017

² The *Barossa Valley and McLaren Vale Character Preservation* (December 2013) is an addendum to two volumes of the Planning Strategy – the *30-Year Plan for Greater Adelaide*, and the *Murray and Mallee Region Plan*

The Building Code contains technical provisions for the design and construction of buildings and other structures and addresses matters including structure, fire resistance, access and egress, services and equipment, energy efficiency and certain aspects of health and amenity.

Minister's Specifications are referenced in the Regulations or in the South Australian variations to the Building Code and address specific building issues such as farm buildings, essential safety provisions and buildings in bushfire prone areas.

Changes to the planning framework in 2017-18

Legislative changes

Amendments to the *Development Act 1993*

There were no changes to the Act in the 2017-18 financial year:

Amendments to the *Development Regulations 2008*

The following changes to the Regulations commenced operation in the 2017-18 financial year:

Name	Purpose	Gazettal	Commencement
<i>Development (Fees) Variation Regulations 2017</i>	To implement annual fee increases in accordance with CPI increases.	22-6-2017 p 2289	1-7-2017
<i>Development (Open Space Contribution Scheme) Variation Regulations 2017</i>	To increase the open space contribution payable when land is divided in Metropolitan Adelaide or Outer-Metropolitan Adelaide in lieu of the provision of open space.	27-6-2017 p 2626	1-7-2017
<i>Development (Schedule 10) Variation Regulations 2017</i>	To increase the threshold of the cost of development for which the State Coordinator-General can determine the Development Assessment Commission to be the relevant authority from \$3m to \$5m.	15-8-2017 p 3580	15-8-2017
<i>Development (Upgrading Underutilised Buildings) Variation Regulations 2017</i>	To provide for the upgrading of health and safety measures in existing buildings-	19-9-2017 p 4112	19-9-2017
<i>Development (Schedule 3) Variation Regulations 2018</i>	To exempt the development of a car park on certain land at Osborne from the definition of development-	23-1-2018 p 383	23-1-2018
<i>Development (Building Cladding) Variation Regulations 2018</i>	To provide a regulatory framework for the external cladding of buildings for fire safety reasons-	13-2-2018 p 767	12-3-2018
<i>Development (Horticultural Netting) Variation Regulations 2018</i>	To exempt protective tree netting structures used in commercial horticulture from the requirement to obtain development plan consent-	13-2-2018 p 744	8-4-2018
<i>Development (Designated Osborne Area) Variation Regulations 2018</i>	To extend the area for which the exemption for the development of a car park on certain land at Osborne from the definition of development applies-	7-6-2018 p 2120	7-6-2018

Changes to the Planning Strategy

The *Development Act 1993* requires that the various parts of the Planning Strategy are reviewed at least once in every 5 years.

The 30-Year Plan for Greater Adelaide, a volume of the South Australian Planning Strategy, was released in February 2010.

It has since been reviewed and updated to ensure the Plan is best positioned to respond to the changing needs, trends and circumstances of the Greater Adelaide region.

Released in May 2017, this critical update of the *30-Year Plan For Greater Adelaide* maps out changes that will support economic development and unlock investment, with a renewed focus on making Adelaide even more liveable, competitive and sustainable.

It strengthens the focus on creating healthy neighbourhoods and developing public spaces while reducing the need to expand at the urban fringe. It also prioritises affordable housing and delivering a greater range of readily available housing.

The updated plan also:

- provides directions and targets to drive regeneration
- reviews population and land supply assumptions, housing supply and locations for urban infill
- protects our valuable environmental and food production areas
- contains policies to increase the diversity and affordability of housing whilst protecting our character and heritage
- facilitates good design outcomes that positively contribute to existing neighbourhoods
- reinforces and enhances Adelaide's reputation as a liveable and vibrant place
- establishes a series of six new targets (reduced from 89 in the 2010 *30-Year Plan*) as key performance measures of the Plan's delivery of the new walkable urban form
- contains new governance directions which have been adjusted to align with the progressive implementation of the *Planning, Development and Infrastructure Act 2016*.

During the development of this important update to the plan, the Department of Planning, Transport and Infrastructure undertook an active program of local government and industry engagement, which substantially influenced the direction of the updated plan for Greater Adelaide.

Changes to Development Plans

Introduction

The Development Act provides that each council is responsible for amending the development plan for its area to reflect any changes to the Planning Strategy. The Minister can also amend development plans to address issues of state significance.

Amendments

Development Plan amendment activity for 2015-16 to 2017-18:

Development Plan amendment activity	2015-16	2016-17	2017-18
Statements of intent agreed between councils and the Minister	15	19	8
DPA's from councils approved by the Minister	24	26	30
Mean time for approved DPA's (months)	34	32	41
Median time for approved DPA's (months)	25	24	26
DPA's initiated by the Minister	1	6	1
DPA's initiated and approved by the Minister	8	2	7
Mean time for approval of DPA's initiated by the Minister (months)	13	18	15
Median time for approval of DPA's initiated by the Minister (months)	10	18	11

Source: DPTI Statutory Planning

Development Plan review

Currently, Section 30 of the *Development Act 1993* requires councils to undertake a review of policies contained in Development Plans that relate to their area to ensure they support the objectives of the Planning Strategy. It requires this exercise to be undertaken every five years, or within 12 months of a change in the Planning Strategy.

As part of transitioning to the new planning system under the *Planning, Development and Infrastructure Act 2016*, councils across the state have been asked to review the policies contained within their Development Plans.

The review is proposed to be undertaken at a high-level using the current South Australian Planning Policy Library as the reference. The exercise seeks to draw out any challenges, opportunities and policy gaps that currently exist within this and across all councils Development Plans. The information received from councils will provide important context for the development of the new planning system, in particular the Planning and Design Code.

The results of the review are expected to be received by the Department of Planning, Transport and Infrastructure in December 2018, following which further work will be undertaken to distil consistent feedback on issues requiring more detailed consideration in the development and preparation of the Planning and Design Code.

The Department is working closely with councils in preparation for transitioning existing Development Plans to the new Planning and Design Code, with information from the Development Plan Reviews informing the process.

Changes to the Building Rules

Amendments to the Development Regulations 2008 were adopted on 12 March 2018 that introduced provisions to regulate the use of designated building products on designated buildings.

The commencement of the regulations coincided with the adoption of Amendment 1 to Volume One of the Building Code of Australia which introduced a range of requirements relating to fire safety in high rise buildings.

The regulations require that when designated building products are proposed to be used on designated buildings, that specific documentation be supplied at development application stage, that notification be made to council of intended commencement of installation and that upon installation, a checklist be completed and submitted.

Following the adoption of the regulations, the first designated class of building and designated kind of building product was gazetted on 20 March 2018.

Minister's Specification SA Upgrading health and safety in existing buildings

This Specification can be applied when upgrade works to an existing building are triggered where a building has been identified as unsafe, structurally unsound or in an unhealthy condition or when changing the classification of a building.

The Specification was adopted on 9 September 2017.

An editorial amendment to the Specification was adopted on 19 December 2017.

Changes to the Building Code of Australia

The National Construction Code is an initiative of the Council of Australian Governments developed to incorporate all on-site construction requirements into a single code. Volumes One and Two of the Code form the Building Code of Australia which contains the technical provisions for matters such as structure, fire resistance, egress, services and equipment, and energy and efficiency, as well as certain aspects of health and amenity.

From 2016 the National Construction Code moved to a three-yearly amendment cycle.

An out-of-cycle amendment to Volume One was adopted on 12 March 2018 and implemented a range of measures relating to fire safety in high rise buildings. The provisions were developed as part of the holistic review of building fire safety in response to several major fire incidents in Australia and internationally.

The next fully consolidated edition is scheduled for adoption on 1 May 2019.

Development assessment performance

Planning system performance

The planning system indicators program collects data on the number and timeliness of actions and decisions in areas such as development assessment, statutory referrals, appeals and compliance. It is part of a broad suite of measures used to monitor and report on planning system improvements.

The data is collected from councils and their development assessment panels; state government agencies involved in consultation and referrals; the Development Assessment Commission; private certifiers; and the Environment, Resources and Development Court.

The table below summarises the number of councils who have responded to the quarterly survey over the past 2 years. It also shows the number of councils who responded in each of the 4 quarters.

Council Returns by Quarter (out of 68)

2016-17

Q1	Q2	Q3	Q4	All 4 Qtrs*
60	60	60	60	60

Source: DPTI Planning System Indicator database

2017-18

Q1	Q2	Q3	Q4	All 4 Qtrs*
60	60	60	60	60

Source: DPTI Planning System Indicator database

* number of councils that reported in every quarter of that financial year.

Note: 60 councils responded in all 8 quarters between 2016-17 and 2017-18

Over the past 2 years, 60 of the 68 councils have provided data in each quarter. In order to provide a meaningful comparison between financial years, the tables below show data only for the councils, private certifiers and referral agents who have responded in every quarter in both 2016-17 and 2017-18, as an indicator of relative performance of the planning system.

Development plan consents

Development applications lodged, approved or refused:

2016-17

Development plan category	Lodged	Approved	Refused
Schedule 4 complying (includes Res Code)	2 795	2 575	15
Merit	25 182	21 631	462
Non-complying	319	205	43
Total	28 296	24 411	520

Source: DPTI Planning System Indicator database

2017-18

Development plan category	Lodged	Approved	Refused
Schedule 4 complying (includes Res Code)	2 869	2 829	5
Merit	24 165	21 309	434
Non-complying	311	135	57
Total	27 345	24 273	496

Source: DPTI Planning System Indicator database

Median number of calendar days for applications to be approved by the authority according to the following categories (for each quarter):

2016-17

Development plan category	Q1	Q2	Q3	Q4
Schedule 4 complying	8.0	8.0	10.0	13.0
Schedule 4 Res Code complying	7.5	9.5	10.0	9.0
Category 1 merit	15.0	15.0	20.0	20.0
Category 2 merit	36.5	48.0	38.5	41.0
Category 3 merit	45.5	50.0	54.0	45.0

Source: DPTI Planning System Indicator database

2017-18

Development plan category	Q1	Q2	Q3	Q4
Schedule 4 complying	7.5	8.5	8.0	9.0
Schedule 4 Res Code complying	8.0	9.0	7.0	9.0
Category 1 merit	18.0	16.5	19.0	19.0
Category 2 merit	45.0	40.0	47.5	35.5
Category 3 merit	59.0	51.0	60.0	48.0

Source: DPTI Planning System Indicator database

Time within which further information was supplied (if requested):

Information received	2016-17	2017-18
Within 30 days	14 123	4 812
Beyond 30 days	6 674	5 732
Total	20 797	10 544

Source: DPTI Planning System Indicator database

Number of applications lodged (in the three public notification categories):

Category	2016-17	2017-18
Category 1	24 783	24 140
Category 2	2 039	1 897
Category 3	666	742
Total	27 488	26 779

Source: DPTI Planning System Indicator database

Planning consents issued by each type of relevant authority:

Relevant authority	2016-17	2017-18
Development Assessment Commission	720	777
Regional Development Assessment Panel	180	150
Officer of the authority under delegation	30 297	29 814
Total	31 197	30 741

Source: DPTI Planning System Indicator database

Building rules consents

Building rules consent applications lodged, approved or refused:

Consents	2016-17	2017-18
Lodged	35 534	36 101
Approved	35 501	36 513
Refused	157	154

Source: DPTI Planning System Indicator database

Note: Only Councils and Private Certifiers who responded in all eight quarters in 2014-15 and 2015-16 are included

Schedule 1A building rules consent-only applications assessed:

Application type assessed	2016-17	2017-18
Schedule 1A building rules consent only	6 611	6 777

Source: DPTI Planning System Indicator database

Median number of calendar days for Schedule 1A building rules consent-only applications to be approved by the authority (for each quarter):

2016-17

Application type assessed	Q1	Q2	Q3	Q4
Schedule 1A building rules consent only	5.0	6.0	8.0	7.0

Source: DPTI Planning System Indicator database

2017-18

Application type assessed	Q1	Q2	Q3	Q4
Schedule 1A building rules consent only	7.0	7.0	5.0	5.0

Source: DPTI Planning System Indicator database

Referrals

Statutory referrals made under Schedule 8 of the *Development Regulations 2008*:

Referral item	2016-17	2017-18
Total number of referrals received	2 772	2 622
Total number of referrals responded to within the statutory timeframe	2 111	2 044
Total number of referrals responded to outside the statutory timeframe	488	419
Number of requests for further information that were made	357	367
Number of applicant responses that were received	259	250
Number of non statutory referrals received	175	228

Source: DPTI Planning System Indicator database

Note: Only Referral Agents who responded in all eight quarters in 2016-17 and 2017-18 are included

Appeals

Appeal process	2016-17	2017-18
Applicant appeals:		
Appeals lodged with the ERD Court	141	95
Appeals resolved without the need for a hearing	121	108
Appeals that resulted in the confirmation of a decision	5	9
Appeals that resulted in the variation of a decision	0	0
Appeals that resulted in the reversal of a decision	0	3
Third party appeals:		
Appeals lodged with the ERD Court	64	50
Appeals resolved without the need for a hearing	12	18
Appeals that resulted in the confirmation of a decision	2	3
Appeals that resulted in the variation of a decision	0	0
Appeals that resulted in the reversal of a decision	0	4

Source: DPTI Planning System Indicator database

Land division approvals

Land divisions for which a certificate of approval has been issued by the Development Assessment Commission:

Land division	2016-17	2017-18
Certificate of approval issued	3 092	3 061

Source: DPTI Electronic Land Division Lodgement System (EDALA) – all land use types

For further information about land division activity in South Australia, please refer to the Department of Planning, Transport and Infrastructure Land Development Activity Report at <http://www.sa.gov.au/topics/housing-property-and-land/local-government/land-supply-monitoring>

Planning and Development Fund

The Planning and Development Fund is administered by the Department of Planning, Transport and Infrastructure. The Act requires developers to provide open space at the time of land division or to make a payment into the Fund.

In 2017-18 the Fund provided \$25.0 million towards public realm and open space projects across the state. Appendix 1 provides a breakdown of the funds allocated by project.

Improving open space and recreational facilities

The government has continued to provide investment for a range of projects to purchase, plan and develop public and open space across the state. These initiatives have progressed the open space targets of the 30-Year Plan for Greater Adelaide and have delivered on the government's commitment to provide investment into local reserves and playgrounds.

Grants to Local Government

In 2017-18, the program provided \$19.5 million in grants to local government, including those through the Open Space and Places for People grant programs.

The Open Space program provides funding support to local government for the purchase, development or planning of public open space.

The Places for People program provides funding support for the development of urban design frameworks and guidelines, concept designs, design development and capital works in prominent public places in cities, suburbs and urban centres.

Other projects

In 2017-18, the program provided \$5.5 million towards public space and strategic planning projects through direct strategic investment in state government projects.

Appendix 1: Expenditure from the Planning and Development Fund at 30 June 2018

Recipient	Project	Grant (\$)
Grants to Local Government		
Adelaide City	Park 2 (East) and Prospect Road Boulevard	3 000 000
Alexandrina	Mount Compass Regional Playspace	300 000
Barossa	Angaston Railway Station Precinct Revitalisation	1 119 250
Berri Barmera	Berri Riverfront Precinct (Stage 1 Extension)	366 324
Ceduna	The Triangle Reserve Redevelopment	139 950
Charles Sturt	River Torrens Linear Park South Road Underpass	300 000
Gawler	Gawler Central Urban Precinct (Walker Place)	1 006 361
Gawler	Gawler Nature Play Space (Willaston)	77 290
Holdfast Bay	Coast Park - Minda Dunes	4 345 510
Kangaroo Island	Kingscote to Brownlow Shared Use Path (Stage 5)	110 000
Marion	Hendrie Street Reserve (Additional Funding)	280 000
Marion	Hallett Cove Foreshore Reserve (Playspace and Plaza)	621 028
Marion	Hamilton Avenue Reserve (Toilet Block)	180 000
Marion	Marino Community Hall Upgrades	50 000
Mid Murray	Swan Reach Riverfront Masterplan and Len White Reserve Redevelopment	62 500
Mitcham	CC Hood Reserve (Toilet Block)	60 000
Mount Barker	Hurling Trail (Stage 3)	300 000
Mount Gambier	Rail Trail (Stage 3)	250 000
Mount Remarkable	Wilmington Main Street Rejuvenation	140 000
Norwood, Payneham & St Peters	Syd Jones Reserve Upgrade	211 200
Onkaparinga	Kent Town Public Realm and Streetscape Enhancement	120 000
Onkaparinga	Coast Park - FAP Stage 2 (Part 2)	1 500 000
Onkaparinga	Wilfred Taylor Reserve Nature Play	1 300 000
Port Adelaide Enfield	Kilburn Blair Athol Urban Renewal	1 000 000
Port Adelaide Enfield	Duncan Fraser and FJ Garrad Reserves Implementation	837 400
Port Lincoln	Parnkalla Trail Wharf Precinct Redevelopment	120 000
Port Lincoln	Port Lincoln Skate Park Redevelopment	200 000
Prospect	George Whittle Reserve Redevelopment	600 000
Renmark Paringa	Renmark Northern Precinct Revitalisation (Stage 1)	548 000
Tatiara	Keith Rail Reserve	50 000
Tea Tree Gully	Kestral Way Playground Shade	20 000
Tumby Bay	Port Neill Foreshore Upgrade (Stage 1) - Additional Funding	50 000

Recipient	Project	Grant (\$)
Victor Harbor	Main Street Precinct (Stage 2 Extension)	105 416
Wakefield	Balaklava Nature Playspace	63 500
Wattle Range	Millicent Domain to Lake Link	75 000
Total		19 508 729
Other public space and planning projects		
DPTI	Implementation of the 30-Year Plan	1 000 000
DPTI	King William South Public Realm	3 740 000
DEWNR	DPTI Land Management Program	778 642
Total		5 518 642
TOTAL INVESTMENT FROM FUND		<u>25 027 371</u>

For further information

Email: DPTI.PDPlanninginformation@sa.gov.au

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