This fact sheet provides advice to practitioners, proponents and local government about the precinct planning process available under the Urban Renewal Act 1995.

How does the precinct planning process work?

The Urban Renewal Act 1995 (the Act) allows for the Minister for Housing and Urban Development (the Minister) to declare an area as a precinct and appoint a precinct authority to develop a precinct plan through a process of community engagement. The outcome is a more comprehensive plan for renewal of an area.

The process is led by a declared precinct authority, which can take on the responsibilities of council and State government, including certification of development, collection of revenue and management of infrastructure, among other matters. The power of the process is the capacity for the precinct authority to singularly manage all aspects of planning, design and infrastructure delivery of a major development project.

The precinct planning process is represented in a flow diagram on the next page.

What are the benefits to using the precinct planning process?

The precinct planning process is a powerful tool that offers far more than a traditional rezoning process. It provides a coordinated approach that can expedite development, provide sharply focussed management, drive innovation and build communities.

Key benefits

- Sets up partnerships between government, council and the private sector to deliver high quality significant developments.
- Provides for:
  - coordinated planning
  - design and delivery of infrastructure assets
  - community facilities
  - public realm improvements.

These may be handed over to other entities to manage with their agreement.

- Can address multiple land ownership to provide an integrated development approach to the precinct.
- Provides a more dynamic policy framework that can be easily changed in response to market preferences.
Precinct planning flow diagram

1. Precinct request including a business case lodged with the Minister for Housing & Urban Development (Minister)
2. Minister consults with relevant Council(s) and the Planning Minister on the business case
3. Minister gazettes precinct and appoints a precinct authority
4. Precinct authority establishes panels
5. Precinct authority prepares draft precinct master plan
   (Draft precinct implementation plans may also be prepared at this stage)
6. Consultation on draft precinct master plan
7. Precinct master plan adopted by the Governor on the joint recommendation of the Minister and the Planning Minister
8. Review of precinct master plan by the Environment Resources and Development Committee of Parliament (ERDC)
9. Precinct authority prepares draft precinct implementation plan
10. Precinct implementation plan approved by the Minister (following consultation if required)
11. Precinct authority manages the development, including certification of development proposals and exercising statutory powers granted through Regulation

Planning Minister may seek advice from the Development Policy Advisory Committee

If a precinct includes land that is part of the Adelaide Park Lands, the Adelaide Park Lands Authority must agree
Minister publishes business case and report to ERDC
Minister may seek advice of Development Assessment Commission (DAC) – advice must be published

Precinct authority prepares report on consultation for Minister and Planning Minister

Precinct authority publishes precinct master plan
Minister publishes consultation report and any advice provided by DAC on that report
Planning Minister may amend Development Plan

Precinct authority publishes precinct implementation plan
Minister publishes consultation report (if relevant) and any advice provided by DAC on that report
Minister publishes report to ERDC on adoption of precinct implementation plan
Planning Minister must amend Development Plan
Sets a minimum benchmark for community engagement while enabling more dynamic and innovative consultation frameworks to be used. The precinct authority may be granted authority to exercise a range of powers across state and local government jurisdictions to ensure the effective management of the whole precinct, including the capacity to:
- collect revenue
- deliver infrastructure
- set by-laws
- assemble land
- grant approvals, licences and permits.
Alternatively, State and/or local government may maintain existing responsibilities.

What type of development is eligible?
The precinct process can be effective for a diverse range of projects, including:

*Regeneration projects*, where:
- the closure of an industry results in a large area of brownfield and redundant land being available for development
- there is a need for a locality to reinvigorate its economic performance
- public land holdings can be used as a catalyst for positive change
- there are areas of existing housing stock that is of poor quality and is at the end of its useful life.

*Significant development projects*, such as:
- large extensions to urban areas
- infill development projects in designated growth areas that create new public investment
- new industries or innovative business opportunities.

In considering the precinct process, two fundamental questions should be asked:

1. **Does the project align with Government strategies and priorities?**
   To gain support for the establishment of a precinct, it must be demonstrated that the proposal aligns with the strategic directions of Government, in particular the Planning Strategy for South Australia.

2. **Will this project benefit from the precinct powers that can be made available to the precinct authority?**
   The precinct powers tool is most effectively applied to projects where:
   - a number of stakeholders are involved
   - two or more councils are affected.
   - there is a partnership between a private sector entity and a council or State Government
   - significant infrastructure coordination is necessary
   - land is in disparate ownership
   - significant State or local interests need to be resolved
   - development is staged over a long term.

It is important to note that precinct powers are only one of a number of tools that are available within the planning system to facilitate development projects. Other mechanisms include the rezoning of land through a development plan amendment or declaration of a major development proposal. These mechanisms should also be considered before seeking a precinct declaration.

What is the precinct authority and what are its statutory powers?
The precinct authority must be either a council, subsidiary of a council, the Urban Renewal Authority or other statutory corporation under the Act. Private bodies cannot on their own be declared as a precinct authority.
The precinct authority is responsible for the whole of the strategic planning and implementation of a precinct. This responsibility extends from the early feasibility of a precinct through to the assessment of separate development applications against an approved precinct master plan and implementation plan(s). In some instances a precinct authority is also responsible for the delivery of infrastructure.

Given the range of functions the precinct authority may have, it is generally expected that members are qualified or experienced in urban development, renewal projects and/or project delivery. A small group of 3-5 professionals, including someone with strong local knowledge and credibility in the community, would be appropriate in most circumstances. For proposed council-led precincts, it may also be beneficial to include a senior administrator from council on the precinct authority.

In selecting members, any perceived or actual conflicts of interest will need to be identified and managed.

Sub-committees of the precinct authority can be established if required to work through more technical and/or issue specific matters that may include senior representatives from state government and council.

The precinct authority must, other than in circumstances prescribed by Regulation, establish the following panels:

- design review panel to provide advice on design matters relating to the precinct
- community reference panel comprising representatives of persons who live in and around the precinct
- any other panel considered appropriate to provide advice relating to planning and development within the precinct.

For more details on panels please see Fact Sheet 3 | What are panels and how are they established?

The precinct authority may also request, at the time a precinct is proposed, that it be granted a range of statutory powers to be exercised in consultation with the original statutory body (for example a council where the power is by-laws). Statutory powers are granted by the Governor following a decision of Cabinet.

These powers can include:
- granting an approval, consent, licence or exemption
- providing a service or infrastructure
- imposing and recovering a rate, levy or charge
- making by-laws under the Local Government Act
- other matters prescribed by Regulation.

What is the role of precinct master plans and precinct implementation plans?

The precinct authority is required to prepare a precinct master plan and one or more precinct implementation plans in consultation with a community reference panel and design review panel. Other panels or engagement processes can also be adopted by the authority.

Precinct master plan

The precinct master plan is a strategic, high-level document that identifies how the whole of a precinct will be developed, including the scale of development, mix of land uses and associated infrastructure requirements. The precinct master plan must be supported by the Minister for Housing and Urban Development and the Minister for Planning, signed off by the Governor and published in the Government Gazette. This level of endorsement is required to ensure there is commitment to the delivery of a precinct and the manner in which it will be delivered. This precinct master plan is subject to parliamentary scrutiny through referral to the Environment, Resources and Development Committee of Parliament.

For more details on precinct master plans please see Fact Sheet 4 | How to prepare a precinct master plan
Precinct implementation plan

Precinct implementation plans must be endorsed by the Minister for Housing and Urban Development and provides a greater level of detail about how a precinct will be developed. More than one precinct implementation plan may be prepared to reflect the staging of a development.

For more details on precinct implementation plans please see Fact Sheet 5 | How to prepare a precinct implementation plan

Does the Development Act 1993 still apply?

Yes, as outlined in more detail below.

Relationship between precinct planning documents and development plans

Once a precinct has been declared under the Act the precinct authority will prepare a precinct master plan and a precinct implementation plan(s). The preparation of these documents includes similar steps to a normal development plan amendment (DPA) process (such as public consultation, Ministerial approval and Parliamentary oversight). However, they will cover a broader range of issues than is possible in the normal DPA process.

An approved precinct master plan can lead to an amendment of a development plan. In the case of an approved implementation plan, a development plan must be amended by notice in the gazette using the section 29 process under the Development Act 1993. This process ensures consistency between the relevant Development Plan and approved precinct master plans and precinct implementation plans.

Assessment process

The assessment process under the Act modifies the normal Development Act 1993 process as follows:

Step 1

Proponent lodges application with precinct authority, which certifies the application as complying against the precinct master plan.

Step 2

Development application lodged with council as a complying development (10 day decision). Council only need to ensure the proposal has been certified by the precinct authority.

Step 3

Building approval granted (private certifier or council).

Step 4

Full development approval issued by council.

The precinct authority is only able to certify development proposals that are deemed by them to be complying development by assessing against the precinct master plan.

In determining whether to certify a proposal as complying the precinct authority will consider the precinct master plan (and any associated documents). These will include performance based outcomes, as well as some prescriptive standards such as building envelope and height. As such, the precinct authority is not limited in their assessment of proposals against only prescriptive criteria.

In circumstances where development is not considered complying, the application will be assessed by the Development Assessment Commission on merit against the provisions of the relevant Development Plan. An example might include a seven storey building in a six storey precinct.
For proposals that depart significantly from that envisaged in the precinct master plan, the precinct authority can follow the process prescribed in the Act to amend the precinct master plan – includes public consultation, Ministerial and Governor approval and Parliamentary oversight.

With the approval of the Minister, the precinct authority may also certify land division applications.

How do I start the process?

A request to nominate a potential precinct can be initiated by a council or other person or body. A private sector person representative should aim to partner with either a council or the Urban Renewal Authority in the establishment of a precinct.

To formally start the process, the proponent will be required to lodge a business case (a template is provided on the website) for consideration by the Minister, which must include the following information:

- The precinct name and area sought to be declared a precinct.
- The proposed precinct authority and how it will be constituted
- Objectives of the precinct.
- Alignment with the Planning Strategy.
- The community engagement proposed.
- Any statutory power referred to in section 7K of the Act that is sought to be conferred on the precinct authority, including the power to:
  - grant an approval, consent, license or exemption
  - provide a service or infrastructure
  - impose and recover a rate, levy or charge
  - make by-laws under the *Local Government Act 1999* or the *Local Government Act 1934*.

In requesting to establish a precinct other matters that should be considered in the business case include:

- the reasons for requesting a precinct and why the precinct planning process is the most appropriate pathway for development
- land ownership arrangements and details of any partnerships, proposed joint ventures, etc
- how the precinct authority and process is intended to be resourced
- commercial in confidence matters that should be excluded from publication – the Minister must publish a copy of the business case in declaring a precinct
- key contact details and project team, including expertise in delivering significant development projects.
Further information

For further information on precinct planning and the Act please contact the Growth Areas Team at the Department of Planning, Transport and Infrastructure or visit the website:

Phone: (08) 8303 0760

Email: DPTI.PDgrowthareas@sa.gov.au

Mail: Growth Areas Team
Department of Planning, Transport and Infrastructure
GPO Box 1533
Adelaide SA 5001

Website: www.sa.gov.au/precinctplanning

The website includes a full suite of fact sheets prepared about the precinct planning process and includes information on declared precincts, together with key documents required to be published under the Act.

Fact sheet 1 | Overview of the precinct planning process

Fact sheet 2 | What does precinct planning mean for councils?

Fact sheet 3 | What are panels and how are they established?

Fact sheet 4 | How to prepare a precinct master plan

Fact sheet 5 | How to prepare a precinct implementation plan

Fact sheet 6 | Community engagement

Also refer to Design Guidance Note 1.1.3 Master Plans (March 2014) from the Office of Design and Architecture SA, which is also available on the website.