

Transforming our Planning System:  
**Response of the  
South Australian  
Government**  
to the final report  
and recommendations of the  
Expert Panel on Planning Reform

March 2015





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# Minister's foreword

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Over recent years, the South Australian Government has been focussed on building and improving our State and our city.

South Australians are now seeing our skyline transform.

The recommendations of the final report of the Expert Panel on Planning Reform are radical.

The Expert Panel has engaged widely with the community, councils, industry groups, professionals and Government agencies. *The Planning System We Want* is the result of a 2 year process during which over 2,500 South Australians participated. This has uncovered a genuine appetite for change.

The Expert Panel's package of reforms is comprehensive and wide-ranging. I applaud the Expert Panel's willingness to explore new and radical ideas. Some of the more complex reforms will require time and resources to deliver. These will be addressed through the budget process. Implementation of all of the reforms is likely to require 3–5 years.

In assessing the Expert Panel's recommendations, we have adopted the view that reform must be outcome orientated. The test we have applied to each of the Expert Panel's recommendations has been: how will this benefit the State, its people and our economy?

South Australia already has a planning system that is highly regarded. By reforming the system, we believe we can boost the competitiveness of investment in our State and contribute to the ongoing prosperity of our people. This reform is an engine of economic growth.

## **John Rau MP**

Deputy Premier  
Minister for Planning

March 2015

# Introduction and context

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In February 2013 the Government appointed an Expert Panel on Planning Reform ('Expert Panel') to undertake a review of the planning legislation.

Under its terms of reference the Expert Panel was required to—

- review all relevant legislation, governance and administrative arrangements related to planning, urban design and urban renewal
- review the role and operation of all other legislation that impacts on the planning system
- consult widely with the community, industry, councils and parliamentarians
- undertake research and consider interstate and international planning systems
- provide a final report by December 2014 and such other interim reports as it considers appropriate.

Over a two year period, the Expert Panel researched and analysed land-use and planning systems interstate and overseas, undertook consultation with over 2,500 participants, held 127 workshops, round-tables and other sessions, received 145 written submissions and published three public reports and research materials totalling 794 pages.

This effort culminated in the Expert Panel's final report, *The Planning System We Want*, which was presented to the Government on 12 December 2014. All of the Expert Panel's published materials are available from [www.thinkdesigndeliver.sa.gov.au](http://www.thinkdesigndeliver.sa.gov.au).

The Expert Panel's final report sets out 22 recommendations (incorporating 149 sub-recommendations) that have the potential to transform the way planning is conducted in this State. Preliminary analysis identifies significant potential economic benefits, dependent on implementation. While positive, more detailed regulatory impact analysis will be required as legislation is drafted.

The Minister for Planning released the report in December 2014 and provided an opportunity for councils, industry and members of the public to provide further comments to the Government by 13 February 2015, ahead of this formal Government response. A total of 68 comments were received.

This document summarises the Government's response to each of the recommendations and outlines a framework for implementing them.

# Why do we need change

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As South Australia continues to grow, it is vital to ensure that our cities, regions and communities develop in ways which best adapt to, support, and further this growth. This can be achieved through, among other things, providing certainty and removing unnecessary delays in South Australia's planning system.

Anyone needing to use the planning system in South Australia, whether it is because they are seeking to extend their home, convert a disused office building for their retail business, or build a multipurpose facility, must presently navigate up to 23,000 pages of planning rules, across 500 residential zones, and some 2,500 combinations of zones, overlays and spatial layers.

This complexity creates undue delays, uncertainties, and inconsistencies, resulting in undesirable outcomes such as—

- lengthy approval timeframes for comparatively minor matters, adding to the cost of housing and frustrating the building industry – the reforms will enable streamlined assessment of minor low-risk matters, cutting weeks or even months off approval times for new dwellings and reducing costs to families and builders
- excessive compliance costs arising from unnecessarily varied and inconsistent zoning rules – the reforms will mean that the same type of development is assessed against a much more consistent set of rules, regardless of the location
- a focus on prescriptive requirements rather than performance that discourages innovation and detracts from design quality – the reforms will focus on outcomes while emphasising quality design as the key to how those outcomes are achieved
- inflexible planning rules that make it difficult to assess new and innovative development formats – the reforms will enable zoning rules to be updated more quickly, thereby enabling planning to keep pace with economic changes and ensuring that South Australian families do not miss out on services and facilities that can be readily developed in other States
- difficulty in coordinating infrastructure planning with zoning changes – the reforms will ensure that land use change is not approved unless, or until, infrastructure can be provided and funded to support that change

- inconsistency in where and how urban expansion occurs – the reforms will establish transparent and accountable processes for setting boundaries to urban growth so that urban sprawl can be contained and our valuable farmland is protected
- difficulty in coordinating heritage management across State and local jurisdictions – the reforms will achieve closer integration of heritage listing and management regimes as an integral part of the planning system so that our important built heritage can be preserved for future generations
- urban renewal processes that are too often piecemeal and ad-hoc – the reforms will strengthen mechanisms for achieving integrated precinct-wide renewal, including design quality, community engagement and infrastructure coordination and funding.

Now is the time to transform our planning system to address these delays, uncertainties, and inconsistencies.

Our proposed transformation of the planning system, as set out in this document, will not only address the issues arising from our present system, but will also drive greater economic growth in South Australia by unlocking investment and jobs. It has been estimated that every million dollars invested in construction in South Australia generates \$2.9 million, and 37 jobs in the economy as a whole. The new planning system will unlock these economic benefits by facilitating quality development that meets communities' expectations.

We recognise that our communities are increasingly informed and rightly expect to be better engaged with the planning system. Such expectations will be met through digital solutions to the administration of planning, together with making sure that communities are consulted at the very beginning of the process in meaningful and useful ways in relation to the setting of new planning policies and directions.

South Australia must embrace this opportunity to transform our planning system so that it can drive economic growth for the State. The Government's response to recommendations of the Expert Panel in their final report, *The Planning System We Want*, will shift the focus of the planning system from process and assessment, to outcomes and leadership, and from risk aversion to awareness and risk management, while making sure our communities are engaged at the very beginning – when policies and directions are set.

# The Government's approach

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## Form of the legislation

The majority of the reforms will be delivered through the enactment of new planning legislation.

The new legislation will replace both the *Development Act 1993* and the *Urban Renewal Act 1995*. The Government will also seek to integrate transport and infrastructure laws as part of this new Act. This will complement the proposed review of the *Road Traffic Act 1961* and *Motor Vehicles Act 1959*, both over 50 years old, and the Premier's vision to create a carbon neutral city with driverless technology.

Further legislation on discrete topics, including consequential amendments to and repeal of other laws, will follow once passage of the new legislation has been secured. Where consequential changes to other laws are needed, these are identified in the Government's response to each reform.

## Staged delivery

A number of the reforms are complex and will require a staged approach and sustained effort to implement.

Many of the reforms will require legislative change in the first instance, but will then require further implementation steps before legislation can commence - and further action afterwards. The legislation will be drafted with in-built transitional arrangements that enable progressive delivery of reform elements over a 3–5 year period.

Staging implications are noted in the Government's response to each reform as required. An indicative set of delivery stages is set out further in this response.

## Reforms requiring further work

Some reforms are acceptable in principle, but may require further work or investigation to identify how they would work, the benefits and costs involved or whether there are alternatives that would better address the issues they attempt to resolve.

Moreover, while the majority of reforms relate directly to the planning system and will be addressed by the planning portfolio, many will require multi-agency cooperation and some will be addressed by other portfolios.

The Government's response to each recommendation identifies when reforms require further work or cross-portfolio input or carriage. A more detailed summary at the end of this response identifies key projects, lead agencies and portfolio Ministers.

## Links with other reform initiatives

In a number of cases, reforms, or elements of reforms, will be best considered in the context of other Government initiatives. For example, suggested reforms to infrastructure funding include recommendations that touch upon taxation policy, budget and public debt issues and may be best addressed through the Government's tax reform agenda.

These are identified, as appropriate, in the Government's response to each reform.

## Budget implications

The reform legislation will be drafted to be budget neutral or positive when implemented. Indeed, in some cases, we expect the legislation will result in administrative efficiencies.

Allocation of resources to support implementation of the reforms over a 3–5 year period will emerge through the normal budget process.

## Continued operation of the current system

The Government does not consider it would be responsible or feasible to suspend short term initiatives that may have significant economic, social or environmental benefits pending implementation of the legislation.

Passage of the legislation through Parliament and subsequent implementation will take a few years. It is not possible for the current planning system to remain static during this time. We will continue to work on planning initiatives and work with the community, councils, agencies and industry during this time, using the current system until the new one becomes operational.

The Government also expects to continue fine-tuning the existing system as appropriate during this period.

# Delivery framework

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## Whole-of-Government coordination

Prior to the establishment of the inaugural planning commission (or like body), the Department of Planning, Transport and Infrastructure (the Department) will coordinate other relevant agencies to commence delivery of the reforms. Indicative lead portfolios have been identified for each reform.

## Liaison with communities

The Government will provide avenues for consultation and engagement as it develops the new planning legislation, during parliamentary debate and to inform implementation. A reference group will be convened on a similar basis to that managed by the Expert Panel for this and other planning initiatives.

Recognising the integral role of local government, the Department will also meet regularly with the Local Government Association, as the local government sector's peak body, throughout the reform process.

## Expert peer review

The Government will seek feedback from appropriately skilled professionals and practitioners during the drafting of the legislation. This will help ensure the legislation is well drafted to meet its intention.

## Parliamentary process

The Government aims to introduce legislation to Parliament in July 2015. The winter sitting break will provide an opportunity for members of the public, business and councils to provide further comment.

The Government will maintain an open line of communication with all interested parties through this process.



# Targeted timeline

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## Stage 1

Formalisation of the Government response

January–February

Members of the public had a further opportunity to provide comment on the report, informing the Government's response.

### Key dates

12 December 2014	release of report
13 February 2015	deadline for public comments

## Stage 2

Release of the Government response and legislative drafting

March–June

Following Cabinet approval, legislation will be drafted. Consultation will continue during drafting.

### Key dates

March 2015	release of Government response
March–June 2015	drafting of legislation

## Stage 3

Parliamentary process

July–onwards

Bill targeted for introduction to Parliament in July 2015. Debate on the legislation will commence in September after consultation over the winter break and is expected to be completed by the end of 2015.

### Key dates

July 2015	bill introduced to Parliament—with feedback sought during the winter break
September 2015	parliamentary debate proceeds on bill

## Stage 4

Staged implementation

2016–2018

Legislation will likely be commenced in stages, over the course of 2016–2017. A detailed transition plan will be developed to phase in elements over a 3 year period following commencement.

# Response to the recommendations

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Each reform contains many elements. Because of this, for each reform a general response with further detail is provided in the narrative. The following table indicates the intended meaning of each general response.

## Response

The Government supports this reform

The Government supports the reform in principle

The Government supports this reform in part

The Government supports this reform in principle/part and will undertake further investigation

The Government notes this reform and will undertake further investigation

## Intended meaning

The Government agrees with all of the reform elements suggested by the Expert Panel, subject only to resolution of matters of detail.

The Government agrees with the reform with generally minor modifications as highlighted in the narrative.

The Government agrees only with parts of the reform or with substantial modifications.

The Government generally agrees with the reform, or parts of the reform, but further investigation needs to be undertaken on matters identified in the narrative before implementation can be commenced.

Further investigation is required before the Government can confirm its position on this reform.

# Objectives

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## The Government supports the Expert Panel's suggested statutory objectives.

In drafting the legislation, the Government will seek to implement, at least in part, the objectives.

We will focus on ensuring balanced economic outcomes while also recognising and protecting our State's natural resources. Additional consideration will be given to cumulative and climate change impacts and intergenerational needs and aspirations.

All persons involved in the administration of the planning system will be required to consider, and seek to further, these objectives. Importantly, the objectives will also focus on the need for wider culture change across the planning system.

<b>Next steps</b>	The planning legislation will build upon the Expert Panel's suggested objectives.
<b>Timeframe</b>	A bill will be prepared for introduction to Parliament with a July 2015 target.
<b>Relevant portfolio/s</b>	Minister for Planning.

## Establish a State planning commission

### The Government supports this reform in principle.

The Government agrees that the establishment of a planning commission (or like body), with functions and powers specified by legislation, will enhance the effectiveness of the planning system, improve the ability of the Government-of-the-day to deliver its planning agenda and help build community and business confidence.

The Government agrees with the Expert Panel that the commission (or like body) should—

- be the Government's principal planning advisory body
- include members of the highest standing and calibre with a mix of appropriate skills and expertise such as planning or design, economics, law, policy or environmental management
- remain accountable to the Minister, with delegated decision-making powers
- drive delivery of State priorities with a role in coordinating infrastructure
- act transparently and on evidence-based policy principles
- work to lift planning performance and system culture.

The commission (or like body) will remain subject to the direction of the Minister. The Minister will retain overall 'ownership' of the planning system and remain responsible to Cabinet and Parliament for planning policies and decisions.

The specific details of structure, roles and functions - as well as the formal name of the new body - will be determined as part of the draft legislation.

**Next steps** The planning legislation will provide for the establishment of the commission (or like body), its functions and powers, structure and membership and formal name.

**Further work** Once the legislation has passed, the Government will proceed to make appointments to the new commission (or like body).

**Timeframe** A bill is targeted for introduction to Parliament in July 2015.

**Relevant portfolio/s** Minister for Planning.

## Create a network of regional planning boards across the State

**The Government supports this reform in part and will undertake further investigation.**

The Government agrees that the concept of regionalisation has many attractions - many of which extend well beyond planning.

The Government has noted the recommendations of the Local Government Association's Local Excellence Expert Panel suggesting the need for a regionalised approach to local government operations, and the recent agreement of the Premier's State/Local Government Forum to investigate models to achieve this.

### Country regions

The Government agrees with the Expert Panel that an integrated approach will enhance outcomes in the State's country regions where there is an appetite to embrace this reform. Not only could this help deliver better planning outcomes, but also improve the work of the Government in relation to environmental and natural resource management, economic development and infrastructure provision.

We are aware that some country councils already cooperate regionally and are moving towards regional governance models. We see merit in capitalising on this by piloting regionalisation for those country councils who are ready and willing to try it. This will reveal useful information that can inform further initiatives in time.

To enable this, the planning legislation will include enabling provisions designed to facilitate and encourage regional collaboration on planning issues. These provisions will support the pilots and, more generally, promote collaborative approaches on planning issues.

The pilots themselves will be supported by the Premier's State/Local Government Forum. Once the outcomes of the pilots are known, the Government will consider the potential for wider roll-out of regionalisation in country areas.

#### Next steps

The legislation will provide mechanisms to facilitate planning collaboration. Wider powers to deliver regional governance models will be considered following the outcome of pilot studies.

#### Further work

The Government will initiate discussions with country councils interested in being involved in a regional governance pilot.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015. The initial legislation will provide for regional collaboration on planning issues, with broader issues to be considered in 2016.

#### Relevant portfolio/s

Minister for Local Government (lead); Premier; Minister for Planning; Minister for Sustainability, Environment and Conservation.

## Metropolitan councils and wider local government reform

While there are benefits in piloting regionalisation models in country South Australia, in metropolitan Adelaide the situation is more complex - as the Expert Panel itself acknowledges.

The Expert Panel suggested a model of 3–5 regional planning boards in the metropolitan area plus a similar number of regional development assessment panels. The intent of this was to address a number of issues in the delivery of planning functions that arise from the fact that council boundaries in the city are highly variable. For example, population of city councils ranges from fewer than 8,000 residents to more than 150,000. In the city itself, we have a major council with limited connections to the wider inner suburban area.

At this stage, the Government's view is that a layer of regional boards in the metropolitan area is unlikely to have significant benefits relative to the costs and risks of duplicated effort.

A conversation with councils and communities about how local government can be improved and reformed is needed. Dialogue in relation to these issues has already commenced through the Premier's State/Local Government Forum.

### Next steps

The Government will continue the conversation with councils that the Premier has already initiated about how local government can be improved and reformed.

### Timeframe

Consideration of wider legislative reforms will occur in 2016.

### Relevant portfolio/s

Minister for Local Government (lead);  
Premier.

## Legislate to create a charter of citizen participation

### The Government supports this reform in principle.

The Government believes the charter will be a ground-breaking initiative in community engagement and will be a significant building block in the new planning system. It will put the State at the forefront of regulatory reform by providing a clear and proactive framework for public participation and is consistent with our *Better Together* principles of engagement.

It is crucial that we put more effort into building early consensus among members of the community and other interested parties about planning policies and directions. We agree with the Expert Panel that too much effort is currently focussed on the 'downstream' aspects of the planning system (such as the assessment of applications). This present focus is unhelpful to all interested parties. In particular, communities are not engaged strongly enough or early enough in the planning process. This leads to delays, conflict and frustration, which are all, under the right planning system, avoidable costs to investors and communities. We agree with the Expert Panel that the charter should—

- be a stand-alone instrument, flexible in its application and regularly reviewed
- be supported by legislation
- set out the nature and extent of expected participation in different types of planning processes with clear minimum standards
- replace prescriptive consultation requirements currently specified in legislation
- act as a guide for decision-makers rather than as a legally enforceable instrument
- be rolled out in a staged manner, with progressive improvements over time.

The charter will set principles about when and how communities should be engaged in various types of planning processes and decisions. Planning authorities will be required to determine and implement detailed consultation mechanisms to achieve the principles and expectations of the charter.

The charter will provide a framework for members of local communities to have input into the formulation of local planning policy long before any specific conflict or frustration arises. It will specify outcomes without being prescriptive about how these outcomes should be achieved. The charter will be delivered administratively and will not be a basis for subsequent challenges to decisions.

The Government agrees that the charter should include mandatory outcomes while specifying adaptable compliance provisions that are designed to reduce costs, delays and duplication - particularly for local government. Importantly, the charter should focus more effort on upfront engagement with citizens about policies and plans, with less consultation on individual projects on a site-by-site basis, thereby avoiding the problems that currently present themselves at the assessment stage.

We intend to lead the way and ensure planning initiatives we undertake in this term of Government live up to the expectations that will be embedded in the charter. The content of the charter will be developed following passage of the legislation, aiming to come into full effect in 2016.

#### Next steps

The planning legislation will provide for the development of the charter and how the charter applies to councils and Government agencies. It will include statutory principles, a requirement for the charter to be regularly reviewed and place obligations on councils and Government agencies to act consistently with the charter.

#### Further work

The charter, and supporting guidelines and procedures, will be developed following passage of the legislation.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015.

#### Relevant portfolio/s

Minister for Planning.

## Engage Parliament in the development of planning policies

### The Government supports this reform.

Parliament is responsible for the scrutiny of subordinate legislation. Under our current planning system this includes scrutiny of development plan amendments.

There is an opportunity to use Parliament better in shaping long-term planning directions. Earlier engagement with Parliament on planning policies and strategies will enhance the input of elected representatives, improve transparency and provide greater certainty for investors and communities.

We agree with the Expert Panel, and the current Parliamentary Committee, that the existing scrutiny process is cumbersome and ineffective.

To address this, we will—

- explore options for early engagement on key categories of planning instruments with the Parliamentary Committee
- investigate giving Parliament the ability to scrutinise strategic and policy instruments, instead of development plan amendments
- review the parliamentary committee structure to better align with the new legislation.

**Next steps** The planning legislation will provide for the engagement of Parliament, including parliamentary scrutiny.

**Further work** A review of parliamentary committees will be separately undertaken and may result in amendments to the *Parliamentary Committees Act 1991*.

**Timeframe** A bill is targeted for introduction to Parliament in July 2015. The review of committees is anticipated to commence later in 2015.

**Relevant portfolio/s** Minister for Planning (lead); Premier.



## Create in legislation a new framework for State directions

### The Government supports this reform.

The Government agrees there is a need to simplify the way in which the State Government sets policy directions that are intended to be effected through the spatial planning system.

The Expert Panel's proposal for State directions will facilitate a clear line of sight from state-wide Government priorities and policies to on-ground decisions and actions. This will help resolve persistent issues such as integration of natural resource management and affordable housing policies into the planning system. In time, it may enable the simplification and rationalisation of other statutory and non-statutory policy documents.

The Government considers it important that State directions are short, succinct and provide certainty. It is also important that they contain clear and measurable targets that are seen to have longevity. Because of this we will examine ways that the preparation of directions could involve Parliament, such as through upfront engagement with the relevant parliamentary committee. Additionally, we expect that the planning commission (or like body) will have a role in providing expert advice to the Minister on draft State directions.

Generally, State directions will not be disallowable. However, the Government proposes to provide for the urban growth boundary of metropolitan Adelaide to be treated as a special class of State direction subject to statutory criteria, evaluation by an independent body and requiring parliamentary consent for amendment.

<b>Next steps</b>	The planning legislation will provide for the making of State directions; consequential changes to other statutes will also be identified.
<b>Further work</b>	Preparation of the initial suite of State directions will follow passage of the legislation.
<b>Timeframe</b>	A bill is targeted for introduction to Parliament in July 2015.
<b>Relevant portfolio/s</b>	Minister for Planning; other Ministers as required.

## Reshape planning documents on a regional basis

### The Government supports this reform in principle.

It makes sense for each region to have a single framework that comprehensively integrates land use, economic development, infrastructure and environmental management policies. New broad-based regional governance models (see Reform 2) will be used to develop and deliver these.

This will improve linkages between portfolios, reduce duplication and policy conflict and provide a better basis for meeting the needs of local communities. This will build upon the approach the Government has already taken through the regional volumes of the Planning Strategy, which are consistent with the State Government administrative regions.

While recognising the potential of reshaping development plans in a similar way, the Government believes that the benefits of this may be better realised through the application of e-planning to the whole system. The conversion of existing paper-based zoning into a searchable online database will ultimately render the statutory concept of separate 'development plans' moot. Of course, councils will still be able to produce extracts from the database that will effectively be their local plan.

Initially, this reform may be best progressed through the planning legislation and confined to planning and infrastructure issues. Further discussion is required to determine the viability of other forms of strategic plans being incorporated at a regional scale. A timeframe for transition will be desirable, with flexibility to continue with current documents until new ones are able to be settled.

#### Next steps

The planning legislation will provide for regional strategic plans and an e-planning portal. Over time, this will replace the existing Planning Strategy and development plans while preserving the ability of local councils to access their own local version.

#### Further work

The Government will consider whether, and to what degree, other regional-scale plans could be progressively incorporated in the regional strategic plan in future, dependent in part on the scope of broad-based regional governance models.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015.

#### Relevant portfolio/s

Minister for Planning (lead); other Ministers as required.

## Establish a single State-wide menu of planning rules

### The Government supports this reform.

It is clear that the planning system is straining under the burden of voluminous, complex and highly variable planning rules across the State.

Development plans account for over 22,000 pages of regulatory documentation, with more than 2,500 combinations of zones, policy areas, overlays and other spatial layers. The Government agrees this is unacceptable and is a barrier to investment.

At the same time, design is poorly articulated in the way planning rules are expressed. Zoning approaches will be further evaluated with the goal of reflecting design considerations and outcomes into the way we plan for our communities.

The Government agrees with the Expert Panel's recommendation for a single State-wide code that—

- provides a 'menu' of zoning rules for application locally across the State
- reduces unnecessary variation, inconsistency and complexity
- has an emphasis on built form and high quality design, potentially through form-based approaches where appropriate—across the spectrum of urban, rural and natural landscapes
- includes design standards and guidelines as appropriate and is capable of linking to third party documents as appropriate
- integrates standards that includes landscaping, vegetation and tree plantings
- is seamlessly linked to local plans online through an e-planning system (see also Reform 20)
- is developed with strong input from councils, communities and industry
- provides for local variation subject to clear parameters and justification.

The Government agrees that the code should be developed and adopted in a staged fashion. The details of this should be a matter for the Minister, advised by the planning commission (or like body), in discussion with councils and agencies, over time. The Parliamentary Committee will also be consulted during the development of the code.

#### Next steps

The planning legislation will provide heads of power for making the code, supporting design standards and guidelines, including consultation requirements. Statutory principles (rather than prescriptive requirements) will guide the intended content of the code. The legislation will mandate the adoption of the code in local plans and set out a process for staged roll-out.

#### Further work

Initial versions of the planning code, design standards and guidelines will be prepared following passage of the legislation. A staging plan will be determined in consultation with local government.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015.

#### Relevant portfolio/s

Minister for Planning.

## Place heritage on renewed foundations

**The Government supports this reform in principle and will undertake further investigation.**

The Government agrees with the Expert Panel that the current arrangements for heritage protection and management are fragmented, inconsistent, out-of-date and result in poor decision-making. It is clear that heritage controls are in need of a 'reset'.

The Expert Panel's proposals would see a significant recasting of what we mean by 'heritage' - taking it beyond place-based concerns to link more broadly with cultural policy. To facilitate this, the Government intends to take a two-step approach.

### Heritage reforms in the planning system

The Government agrees with the Expert Panel that State and local heritage listings should be brought under one umbrella. In particular, we note that there has been a proliferation of quasi-heritage terms in the planning system, such as contributory items, that need to be rationalised. We also agree that new terminology will help to cement this consolidation.

We propose to merge State and local heritage listing processes into a single framework.

The new legislation will—

- provide a single set of criteria for place-based heritage assessment
- replace existing heritage terminology with a new term (to be determined during the drafting process) and a refreshed set of value-based criteria
- set out a process to migrate existing State and local listings for inclusion on the new register with refinements as identified
- allow land owners to contract accredited heritage professionals to provide actionable advice on the management of their properties
- enable a code of practice that sets out how listed items/ places may be developed, altered or adaptively reused
- substitute contributory items and historic conservation zones and areas with new mechanisms.

Consideration will also be given to the appropriate administrative arrangements underpinning the management of the new system.

**Next steps** The planning legislation will incorporate new criteria to assess heritage significance and merge State and local heritage listing processes. The legislation will provide for existing listings to be audited under a single assessment process.

**Further work** Existing State and heritage listings will be migrated across, with such refinements as are necessary, to the new register. Timing of this will need to be determined subject to budget considerations.

**Timeframe** A bill is targeted for introduction to Parliament in July 2015.

**Relevant portfolio/s** Minister for Planning (lead); Minister for Sustainability, Environment and Conservation.

## Wider heritage reforms - rethinking what we mean by 'heritage'

A number of the Expert Panel's reforms point to the need for further dialogue. It is clear that the concept of 'heritage' is in need of a refresh. The Government agrees heritage should be much more closely linked with cultural policy.

In 2015 we will proceed with a wider discussion paper that canvasses ways in which heritage can be repositioned more broadly. The paper will discuss—

- the tangible and intangible nature of 'heritage'
- how heritage should align with cultural policies, practices and institutions
- options for a heritage or cultural lottery and endowment fund
- financial subsidies and other options for supporting place-based heritage.

**Next steps** The discussion paper will canvass options for a wider view of heritage, funding options for heritage and links between heritage and wider cultural policy.

**Timeframe** The discussion paper will be released in the second half of 2015. Further reforms may result in future years.

**Relevant portfolio/s** Minister for Sustainability, Environment and Conservation (lead); Minister for Planning; Minister for the Arts.

## Make changing plans easy, quick and transparent

### The Government supports this reform in part.

Local zoning plans are the foundation of the day-to-day administration of the planning system, and as such they must be up-to-date and relevant at all times. There is no doubt, based on the evidence presented by the Expert Panel, that current arrangements are resulting in unacceptable delays.

The Government agrees with the Expert Panel that a range of measures are necessary to address these problems, and we note that a number of the Expert Panel's other recommendations for reform will contribute to simpler, more straightforward processes. Specifically, the Government agrees that—

- statements of intent should be short initiation documents
- there should be the ability to approve a rezoning program
- private land owners, Government agencies and infrastructure providers should be able to initiate a rezoning.

However, the Government believes that interim operation criteria should be clarified by policy rather than in legislation. Moreover, the Government considers that the Minister must remain the primary decision-maker for any changes to development plans, including zoning changes. Although this will be on the advice of the planning commission (or like body), the decision should rest with the Minister.

The Government will also consider further models for area-wide zoning changes based on approval of a master plan or a development site or area, building upon a precinct planning approach (see Reform 16).

<b>Next steps</b>	The planning legislation will include relevant provisions governing rezoning processes.
<b>Further work</b>	The Government will consider ways in which interim operation could be tightened following further reinvestigation.
<b>Timeframe</b>	A bill is targeted for introduction to Parliament in July 2015.
<b>Relevant portfolio/s</b>	Minister for Planning.

## Adopt clear, simple development pathways

### The Government supports this reform in part.

The Government agrees that the current pathways for development assessment are not efficient or effective. In particular, we echo the concerns raised by the Expert Panel that over 90 per cent of developments are subject to a full merit assessment process.

The Government supports each of the Expert Panel's reforms, including—

- new, simple assessment pathways - including standard ('as of right') and performance-based assessment
- the ability for an 'outline' consent process to enable staged and negotiated assessment, and incorporate design review where appropriate and link to environmental assessment processes under other statutes
- the need for a significant increase in the proportion of development not requiring assessment or requiring only standard assessment
- linking notification rights directly to assessment pathways and the cost-effective use of on-site notices as an alternative to postal notification in urban areas
- the opportunity for revised environment impact assessment to be incorporated as part of the performance-based pathway
- incorporating other statutory consents (e.g. site contamination clearance), where appropriate, into a single assessment process (see also Reform 19).

Combined with other reforms, the Government believes these changes will ensure that development assessment is simpler, quicker, user-friendly, efficient and transparent. A significant reduction in merit-based assessment will lead to savings in time for applicants, and resources for tax-payers and rate-payers. Existing indemnity provisions will be improved to prevent potential court challenges based on minor flaws in the assessment process.

The Government is cautious about the Expert Panel's proposal for a 'prohibited' category. Experience indicates there is a high risk that it could be overused and become an impediment to change. However, it could be beneficial to manage a limited range of highly sensitive environmental issues. We will consider this issue further through the legislative drafting process.

#### Next steps

The planning legislation will incorporate the proposed new pathways (other than prohibited), the option for an 'outline' consent process and measures relating to notification rights. Incorporation of other statutory consents will be enabled, but may be subject to consequential amendments and further policy consideration (see also Reform 19).

#### Further work

Procedural aspects of the outline consent process will be included in regulation after passage of the legislation has been secured.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015.

#### Relevant portfolio/s

Minister for Planning.

# Take the next steps towards independent professional assessment

## The Government supports this reform in part and will undertake further investigation.

The Government agrees that there is a need for assessment processes to be substantially reformed.

We believe it is critical that communities and investors are each able to have confidence that development will be assessed impartially and dispassionately. It is clear that the current hybrid arrangements do not always achieve this.

To address this, the Expert Panel has proposed that the assessment system be professionalised and regionalised. We propose to address these issues in a two-step approach.

### Professionalising the assessment process

The Government agrees that the development assessment task has now evolved to the point where it must be seen as a professional process requiring technical expertise and input. Because of this, we agree that—

- the next steps in evolution of development assessment panels should now take place - with elected representatives no longer having a direct role
- members of assessment bodies should be accredited professionals with expertise relevant to development assessment such as planning, engineering, environmental science, architecture and urban design
- a system of professional accreditation, including regular training and auditing, should be established (see also Reform 22)
- private certification should be expanded to include a wider range of standard assessment functions, subject to stricter auditing and oversight
- assessment bodies should be able to co-opt specialist members as necessary.

The Government notes the Expert Panel's concern to ensure the integrity of the assessment process and that it has consulted with the Independent Commissioner Against Corruption in relation to its suggested changes. Importantly, the Government believes that the rights of all elected representatives to advocate for their communities in relation to any matters subject to assessment should be protected.

We recognise that a staged approach will be required for each of these elements. The details of this will be determined, in dialogue with the local government sector.

#### Next steps

The planning legislation will provide for the composition of assessment panels, the accreditation and auditing of professionals and the how and when private certification is to be permitted.

#### Further work

The Government will work with local government and professional groups to establish suitable co-regulatory models for professional accreditation, training and auditing and a step-change approach to implementation.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015.

#### Relevant portfolio/s

Minister for Planning.



## Regionalisation of assessment panels

The Government agrees that there is potential for assessment panels to be organised on a regional geographic basis. The Government agrees that this approach has merit.

However, we note that this reform is closely linked with the Expert Panel's proposal for regional planning boards. We also note that the Expert Panel has suggested that regional panels will take on many of the existing functions of the Development Assessment Commission.

Clearly, a staged approach is desirable. We propose that, in the first instance—

- existing council assessment panels continue for an interim period
- the planning commission (or like body) establish its own regional and/or specialist panels for matters currently handled by the Development Assessment Commission
- councils be encouraged to establish regional panels, with the ability to negotiate for matters currently handled centrally to be delegated
- further roll-out of regional panels should be dependent upon the outcomes of the wider regionalisation agenda.

### Next steps

The planning legislation will allow for council panels to continue for an interim period, allow the planning commission (or like body) to establish assessment panels, and include incentives for councils to regionalise their assessment panels.

### Further work

Further consideration of regionalisation of assessment panels will follow evaluation of the pilots. Legislation will be crafted in a way that enables further changes to be adopted without need for further statutory amendment, perhaps by regulation.

### Timeframe

A bill targeted for introduction to Parliament in July 2015.

### Relevant portfolio/s

Minister for Planning.

## Clarify the approval pathways for projects of State significance

### The Government notes this reform and will undertake further investigation.

Efficient and meaningful assessment of major projects is of great importance to attracting investment to our State. It is clear that the current mismatch of different laws and processes is unsatisfactory.

The Government agrees that any project that has economic, social and/or environmental impact that is not contemplated within the regular planning rules should be subject to comprehensive evaluation.

The Government agrees that—

- the State should retain a power to call in major projects, with the option for advice from the planning commission (or like body) in specified circumstances
- the evaluation of major projects should use a sliding scale that factors in benefits, risks and impact
- there is an opportunity to align state environmental impact assessment processes with federal laws - including potential for strategic impact assessment
- the proposed 'performance-based assessment' pathway will help to clarify the triggers for an environmental impact assessment.

However, in relation to judicial review of major project decisions, we note this is a complex issue. The question will be whether the benefits of allowing judicial review outweigh any perceived disadvantages. One potential benefit that is well known is the ability to secure federal accreditation for environmental assessment. We will consider this issue further during the legislative drafting process.

There are also aspects in relation to mining which warrant further consideration. Mining is a major growth sector and an export earner for the State. The Government will carefully consider the Expert Panel's recommendation that there should be greater integration between mining and planning. It is clear that there are a number of reasons why this should be pursued - including to better manage multiple and sequential land uses consistent with the nationally agreed *Multiple Land Use Framework* and to better link mining approvals to approvals for mine-related infrastructure - but we are cautious to rush this process without first understanding the issues that the Expert Panel's consultation has raised.

A solution that we will consider is a single stand-alone 'Major Projects Act' that brings together the relevant portfolio interests and provides a single doorway to Government for complex projects.

#### Next steps

The planning legislation will include call in powers for major projects and use the performance-based assessment pathway to clarify the triggers for environmental impact assessment.

#### Further work

The Government will review the interaction between mining, planning and environment laws and consider the potential for a separate 'Major Projects Act'.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015. The wider review of mining, planning and environment laws will commence later in 2015.

#### Relevant portfolio/s

Minister for Planning (lead); Minister for Mineral Resources; Minister for Sustainability, Environment and Conservation.

## Streamline the assessment of essential infrastructure

### The Government supports this reform in principle.

To ensure that our cities and towns can grow and change, essential infrastructure must be cost-effective, meet changing demand, and offer improved services to communities.

The Government therefore agrees with the Expert Panel that the planning legislation should—

- link infrastructure planning with regional strategic plans, allowing for infrastructure corridors and growth area infrastructure requirements to be identified as early as possible
- provide for streamlined assessment of essential infrastructure, with clear criteria and subject to control by the planning commission (or like body)
- ensure essential infrastructure meets the community expectations for high quality design
- improve the assessment process for public infrastructure and development undertaken by Government agencies.

The Government considers it important that this reform closely links with the infrastructure funding framework proposed by the Expert Panel in Reform 17. The Government agrees that assessment pathways should generally be determined by the class of development (rather than the applicant), but is cautious about removing the Crown development pathway altogether so will investigate this further.

#### Next steps

The planning legislation will include heads of power providing for the assessment of essential infrastructure and limiting the ability to use the Crown development pathway.

#### Further work

The Government will give further consideration to the potential repeal of the Crown development pathway.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015.

#### Relevant portfolio/s

Minister for Planning.

## Make the appeals process more accessible and accountable

### The Government supports this reform in principle.

Access to speedy, efficient dispute handling and compliance mechanisms is crucial to ensuring confidence in the planning system and access to justice.

As such, the Government will move to implement the recommendation for a desktop review of a planning decision as an option for applicants. This process will be of particular importance for resolving procedural disputes as they arise, rather than at the end of a decision-making process as part of a pre-trial conference or court proceedings. Whilst the Expert Panel has recommended only a re-consideration of matters without the need for further evidence to be heard, we will also explore the possibility of a re-hearing by an appropriate body or official based on additional information or evidence.

The Government will further consider the potential to integrate the Environment, Resources and Development Court with the South Australian Civil and Administrative Tribunal. We also support the suggestion that the discretion to award costs should be wider (as it is for the South Australian Civil and Administrative Tribunal) to address commercially motivated appeals.

<b>Next steps</b>	The new planning legislation will provide for review and dispute processes.
<b>Further work</b>	Integration of the Environment, Resources and Development Court into the South Australian Civil and Administrative Tribunal will be considered separate from the initial planning legislation.
<b>Timeframe</b>	A bill is targeted for introduction to Parliament in July 2015.
<b>Relevant portfolio/s</b>	Minister for Planning.

## Provide new and effective enforcement options

### The Government supports this reform in part.

#### Community confidence in planning demands compliance and enforcement measures to be credible and robust.

We are of the view that rectifying planning breaches should be the default goal of any planning compliance strategy. Only if remedial action is not possible or has not occurred should penalties come into play.

We agree with the Expert Panel's suggestions for a range of measures that will improve the compliance and enforcement framework in the planning system. In particular, we agree that—

- there should be a range of easy-to-use administrative tools to address non-compliance such as enforceable undertakings and improvement notices
- there should be a range of alternatives to monetary penalties drawn from best practice in other regulatory regimes, such as adverse publicity orders
- monetary penalties should include a sliding scale, including regard for profits
- civil damages should be available as an alternative to criminal sanctions
- the State should provide greater guidance for targeted system-wide enforcement and improve linkages to occupational licensing laws.

In addition, we will consider the merits of an enforceable duty of care on builders and professionals whose actions may lead to non-compliance. We will look closely at models in consumer, workplace safety and road safety laws that could be adapted to the planning system.

We are cautious about allowing expiation notices to be available for planning breaches. Generally expiation notices are only suitable where there is a deterrent aspect required. In the case of planning breaches, remedial action or civil compensation may be a better way of resolving many minor breaches. We will investigate this further as part of the legislative drafting process.

#### Next steps

The planning legislation will include provisions providing for a more comprehensive suite of enforcement options and compliance-enhancing sanctions.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015.

#### Relevant portfolio/s

Minister for Planning.

reform

# 16

## Reinforce and expand precinct planning

### The Government supports this reform.

The Government agrees that there is a need to support precinct-based neighbourhood regeneration in ways that conventional zoning is unable to cater for. The precinct scale offers a suitable way to provide vehicles for private investment, capture value for wider community benefit, leverage public realm improvements and integrate regulatory functions at a precinct scale.

The Expert Panel's suggestions are therefore all supported, including—

- opening precinct development opportunities to private sector parties on an application basis
- creating more scalable precinct development processes to suit small-scale redevelopment opportunities
- simplifying more cumbersome aspects of the currently legislated process
- streetscape guidelines and incentive schemes to leverage public benefits from private investment.

We will examine, as part of this reform, expansion of incentives such as building upgrade finance and streetscape contribution schemes and the potential for a roll-out of an 'improvement district' model for South Australia. We will also revisit the question of the vesting of assets and infrastructure in public authorities at the conclusion of a precinct project.

We see an opportunity for precinct planning to cater for a range of important environmental issues, such as climate change adaptation and mitigation, green infrastructure, carbon neutrality and water sensitive design.

We also see that there is scope to enable master plans for a development site or area to carry greater development entitlements once approved.

**Next steps** The planning legislation will include provisions relating to precinct planning, incentives and improvement districts.

**Further work** The Government will work with the local government sector to develop a viable improvement district model for the State.

**Timeframe** A bill is targeted for introduction to Parliament in July 2015.

**Relevant portfolio/s** Minister for Planning.

# 17 Settle and deliver an infrastructure funding framework

## The Government supports this reform.

The concept of infrastructure should be understood in its broadest sense, both economic and social, incorporating essential services, public realm and environmental works.

The task of coordination and delivery of infrastructure has become more complex over recent decades, with increasing numbers of private sector providers, and is likely to be more so in years to come as urban renewal increases. Whatever tools are used to fund infrastructure, it is critical that there is an emphasis on careful evaluation to prevent avoidable impacts on affordability.

The Government agrees with the Expert Panel that there is a pressing need for a single statutory framework that brings together planning, prioritisation, coordination, funding and delivery of infrastructure under one umbrella that is integrated with zoning and assessment decisions. In our view, it is imperative that this legislation—

- is fully integrated with the planning legislation
- minimises punitive upfront imposts that drive up the price of housing for first home buyers and deter new development
- spreads the cost burden of new infrastructure by using cost-effective and equitable funding models such as long-term value capture or improvement levies and tax increment financing
- provides a standardised framework for augmentation charging
- links with the State budget process, taxation and finance frameworks
- is integrated with existing pricing regulation of essential services.

We agree that the legislation should seek to spread costs for infrastructure fairly over time using innovative funding techniques. Generally speaking, the Government does not support infrastructure charging that seeks to recover the full cost of a long-lived asset solely from the first users of that asset. Delivering an infrastructure funding framework consistent with the above will respond directly to the work of the Economic Development Board. More broadly, it should dovetail with the Government's wider taxation reform agenda.

<b>Next steps</b>	Heads of power for infrastructure funding will be included in the planning legislation.
<b>Further work</b>	The Government will look at improvement levies and infrastructure bonds as part of its taxation review.
<b>Timeframe</b>	A bill is targeted for introduction to Parliament in July 2015.
<b>Relevant portfolio/s</b>	Minister for Planning (lead); Minister for Transport and Infrastructure; Treasurer.

## Integrate open space and public realm in the planning system

**The Government supports this reform in principle and will undertake further investigation.**

Public realm and open space are important components of how places are developed and communities are shaped. Currently, the planning system and other statutes do not provide for these matters adequately, in particular where development occurs on private property.

We therefore agree that—

- there needs to be a comprehensive review of the existing open space scheme, including broadening it to cover streetscapes, urban vegetation and other forms of green infrastructure
- fragmented laws dealing with the public realm, trees, parks and streetscapes need to be rationalised and modernised
- public space planning should be an integral part of regional strategic plans
- consideration should be given to ‘green infrastructure’ approaches with a focus on improved management of urban vegetation and significant trees
- financial contributions should be better related to demand for public space, including improvements to existing public realm assets.

A review of the use of open space levy funds to ensure that funds are spent in areas where the highest need exists will be undertaken. As part of this review, we will consider the potential of green infrastructure, water sensitive design and other urban sustainability initiatives.

Additionally, further investigation is required to determine ongoing responsibility and maintenance needs of open space once developed.

### Next steps

The planning legislation will include provisions for strategic planning and coordination of parks, open space and public realm. It will also include heads of power for streetscape contribution schemes.

### Further work

The existing open space levy will be reviewed with a view to setting more suitable thresholds for costs.

### Timeframe

A bill is targeted for introduction to Parliament in July 2015. The Government will release a wider scoping paper on ‘green infrastructure’ in the first half of 2015.

### Relevant portfolio/s

Minister for Planning (lead); Minister for Sustainability, Environment and Conservation.



## Aim for seamless legislative interfaces

**The Government supports this reform in principle and will undertake further investigation.**

The statute books are constantly changing. The Government recognises that there is a need to reduce duplication and conflict between the planning system and related legislative regimes.

We agree that the referral system, which is used to link up related approval laws, needs to be fine-tuned. However, it is equally clear that some laws, closely connected with planning, themselves need to be modernised. It is also clear that formal and informal referrals have proliferated as a substitute for good policy.

### Cross-statutory linkages

The Government agrees that the referral system needs to be substantially revised. Specifically, we agree that—

- the statute books should be audited to identify and remove duplication of planning processes and to remove unnecessary referrals
- many licences and permits under other laws could be dealt with through effective policy or as part of the development assessment process
- referrals should be subject to tighter criteria, timeframes and processes
- e-planning should be used to drive more effective referrals.

Implementation of this reform will be complex and requires multi-agency collaboration to ensure successful delivery. Initially an audit of the statute books is required to identify duplication and inconsistencies with planning laws.

This will be used to determine which licences and permits are duplicating planning processes, inform what approvals could be transferred into the planning system and what referrals should remain in place. Duplicated licences and permits will be repealed at a later stage and will require consequential legislative amendment.

#### Next steps

The planning legislation will cater for referral processes and enable other statutory consents to be granted, subject to conditions, through the development assessment system where appropriate. Consequential amendments to other laws may be required.

#### Further work

A review of existing referrals and laws that overlap with or duplicate planning will be conducted.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015. Review of existing referrals and other statutory permits will continue beyond this date.

#### Relevant portfolio/s

Minister for Planning (lead); other Ministers as required.

## Further legislative reviews

The Government agrees with the Expert Panel that there is a pressing need for review and consolidation of environment and infrastructure laws, both of which intersect closely with the planning system. We also believe there may be benefits in a wider review of legislation relating to land titling and spatial information.

We will consider making reforms to infrastructure legislation in implementing the recommendations of the Expert Panel. Specifically, we note that the Expert Panel has recommended that a single infrastructure statute would be desirable for the State.

Review and consolidation of environment and land laws will both require longer-term processes and commitment. We will give further consideration to how these initiatives can be progressed in a timely fashion.

### Next steps

Legislation relating to infrastructure will be considered at the same time as other planning legislation.

### Further work

Further consideration will be given to reviewing environment and land laws in due course.

### Timeframe

Infrastructure legislation will be prepared for consideration by Parliament in 2015.

### Relevant portfolio/s

Minister for Transport and Infrastructure (lead on infrastructure and land titling); Minister for Sustainability, Environment and Conservation (lead on environment); Minister for Planning.

## Establish an online planning system

### The Government supports this reform.

It is clear that the planning system could benefit through the establishment of a comprehensive digital framework that provides opportunities for online information and transactions.

The Government agrees with the Expert Panel that a fully digital approach to the planning system will result in significant cost savings to applicants, councils, agencies, taxpayers and ratepayers. It will also provide better access to information for communities. We also note that there will be substantial upfront costs required to establish the new online system.

Establishment of a single planning portal, with links to council and agency websites, will represent a major investment drawcard for the State. In time, the Government foresees such a portal could include land-related data and transaction capability for related issues, such as e-conveyancing or environmental permits.

To deliver the e-planning portal, the Government agrees that the legislation should—

- mandate a 'digital first' approach in line with Government policy
- provide an equitable, fair and sustainable cost recovery model
- enable planning processes and transactions to be conducted online
- ensure data is searchable according to the needs of users
- provide for a cooperative approach between councils and agencies in a staged development of the e-planning approach.

The planning portal will be designed in alignment with the Government's 'digital first' policy and linked with wider e-government initiatives.

#### Next steps

The planning legislation will incorporate heads of power to support e-planning's staged roll-out, including a negotiated cost-sharing schedule to be developed in discussion with councils and agencies.

#### Further work

Development of the software architecture to support e-planning will be driven by the Government. Initial funding commitments will be outlined by Government as part of the budget process.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015. Details of staging and funding models will be developed in 2016.

#### Relevant portfolio/s

Minister for Planning (lead); Minister for the Public Sector.

## Adopt a rigorous performance monitoring approach

### The Government supports this reform in principle.

The health of the system must be paramount if planning is to realise its wider role as an enabler of economic and social outcomes.

The Government agrees with the Expert Panel that, for communities and business to have confidence in the planning system, there must be a rigorous framework for auditing performance and monitoring trends - and acting to address problems and issues as they arise. We believe primary responsibility for performance monitoring should remain with the Minister, rather than the planning commission (or like body) although the commission (or like body) should advise the Minister as necessary.

The Government agrees that the legislation should—

- provide for measurable targets to be set and performance against them audited using the e-planning system
- ensure that there is ongoing monitoring, and periodic evaluation, of relevant trends and data
- allow arm's-length reporting to Government and Parliament through the planning commission (or like body)
- provide for intervention where necessary in cases of underperformance.

Monitoring and reporting requirements, including the need to report annually to Cabinet, will be built into the new legislation, along with powers being provided to the planning commission (or like body) to address cases of under-performance by planning bodies.

In addition, we recognise the benefit of linking discretionary grant funding to performance and will investigate this further. The Government will advance this through further discussion with the local government sector.

#### Next steps

The planning legislation will provide for the setting of targets, auditing of performance, monitoring of trends, annual reporting and powers of intervention as appropriate.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015; consequential changes to local government legislation may be desirable.

#### Relevant portfolio/s

Minister for Planning (lead); Minister for Local Government.

## Pursue culture change and improved practice

### The Government supports this reform in part.

Good culture and practice are crucial components for a successful and effective planning system. The Government agrees with the Expert Panel that the current statutory framework provides limited tools to enable this to occur.

To address this we propose that the legislation should—

- include a strong ‘customer guarantee’ or code that promotes professional excellence across the system (additional to the charter of citizen participation)
- provide for statutorily-recognised practice directions to guide staff and users
- require professionals to be accredited, where appropriate using existing occupational frameworks under other laws
- include an enhanced complaints-handling mechanism
- provide ‘good faith’ indemnities for planning staff to provide advice to users and facilitate development outcomes consistent with the broader statutory objectives to ensure economic outcomes for the State
- incorporate values in the statutory objects that reinforce the importance of a facilitative culture across the planning system.

#### Next steps

The planning legislation will provide for a customer service guarantee and supporting standards, practice directions, professional accreditation linked to other occupational laws and an enhanced complaints-handling mechanism.

#### Timeframe

A bill is targeted for introduction to Parliament in July 2015; consequential amendments to occupational licensing laws may be desirable.

#### Relevant portfolio/s

Minister for Planning (lead); Minister for Consumer and Business Services.

# Summary –

## Government response to Expert Panel's recommended reforms

<b>Reform 1</b>	Establish a State planning commission	The Government supports this reform in principle
<b>Reform 2</b>	Create a network of regional planning boards across the State	The Government supports this reform in part and will undertake further investigation
<b>Reform 3</b>	Legislate to create a charter of citizen participation	The Government supports this reform in principle
<b>Reform 4</b>	Engage Parliament in the development of planning policies	The Government supports this reform
<b>Reform 5</b>	Create in legislation a new framework for State directions	The Government supports this reform
<b>Reform 6</b>	Reshape planning documents on a regional basis	The Government supports this reform in principle
<b>Reform 7</b>	Establish a single State-wide menu of planning rules	The Government supports this reform
<b>Reform 8</b>	Place heritage on renewed foundations	The Government supports this reform in principle and will undertake further investigation
<b>Reform 9</b>	Make changing plans easy, quick and transparent	The Government supports this reform in part
<b>Reform 10</b>	Adopt clear, simple development pathways	The Government supports this reform in part
<b>Reform 11</b>	Take the next steps towards independent professional assessment	The Government supports this reform in part and will undertake further investigation

<b>Reform 12</b>	Clarify the approval pathways for projects of State significance	The Government notes this reform and will undertake further investigation
<b>Reform 13</b>	Streamline the assessment of essential infrastructure	The Government supports this reform in principle
<b>Reform 14</b>	Make the appeals process more accessible and accountable	The Government supports this reform in principle
<b>Reform 15</b>	Provide new and effective enforcement options	The Government supports this reform in part
<b>Reform 16</b>	Reinforce and expand precinct planning	The Government supports this reform
<b>Reform 17</b>	Settle and deliver an infrastructure funding framework	The Government supports this reform
<b>Reform 18</b>	Integrate open space and public realm in the planning system	The Government supports this reform in principle and will undertake further investigation
<b>Reform 19</b>	Aim for seamless legislative interfaces	The Government supports this reform in principle and will undertake further investigation
<b>Reform 20</b>	Establish an online planning system	The Government supports this reform
<b>Reform 21</b>	Adopt a rigorous performance monitoring approach	The Government supports this reform in principle
<b>Reform 22</b>	Pursue culture change and improved practice	The Government supports this reform in part

