

ANNUAL REPORT
2018–19

Administration
of the
*Development
Act 1993*



Government of South Australia
Department of Planning,
Transport and Infrastructure

Annual Report on the
Administration of the
Development Act 1993
2018-19

Minister's foreword

In compliance with the *Development Act 1993*, section 21(1), I have prepared the following annual report on its administration for the period 1 July 2018 to 30 June 2019.

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

Hon Stephan Knoll MP
Minister for Planning

October 2019

The planning framework

Introduction

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

- The *Development Act 1993* ("the Act") and *Development Regulations 2008* ("the Regulations")
- The Planning Strategy for South Australia
- Development Plans for each council area and land not within a council area
- Building Rules

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

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

Legislation

The existing *Development Act 1993* and associated *Development Regulations 2008* are being replaced over time by the *Planning, Development and Infrastructure Act 2016* which was gazetted on 21 April 2016.

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

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

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

The Planning Strategy for South Australia

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

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

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

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

Development Plans

There is a development plan for each of the state's 68 local council areas, as well as development plans for land not within a council area.

Development plans contain general provisions that apply to all forms of development within the relevant council area, along with zones that dictate the type and form of development that can occur over an individual parcel of land. This is supported by a number of tables and maps which further support these general provisions and zones.

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

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

Building Rules

Development that requires building rules consent is defined in the Regulations. The Building Code and relevant Minister's Specifications prescribe the technical requirements that apply to any defined form of building work.

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

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

Changes to the planning framework in 2018-19

Legislative changes

Amendments to the *Development Act 1993*

There were no changes to the Act in the 2018-19 financial year:

Amendments to the *Development Regulations 2008*

The following changes to the Regulations commenced operation in the 2018-19 financial year:

Name	Purpose	Gazettal	Commencement
<i>Development (Fees) Variation Regulations 2018</i>	To implement annual fee increases in accordance with CPI increases.	21-6-2018 p 2453	1-7-2018
<i>Development (Open Space Contribution Scheme) Variation Regulations 2018</i>	To increase the open space contribution payable when land is divided in Metropolitan Adelaide or Outer-Metropolitan Adelaide in lieu of the provision of open space.	21-6-2018 p 2466	1-7-2018
<i>Development (Murals in the City of Adelaide) Variation Regulations 2018</i>	To remove murals in the City of Adelaide from the definition of development so that they no longer require development approval.	4-10-2018 p 3692	4-2-2019
<i>Development (Waste Reform) Variation Regulations 2019</i>	To update terminology and amend schedules of activities of environmental and major environmental significance for which the referral of development applications to the Environment Protection Authority is required, consequential to the <i>Environment Protection (Variation of Act, Schedule 1) (Waste Reform) Regulations 2019</i> .	17-1-2019 p 134	1-6-2019

Changes to the Planning Strategy

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

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

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

Released in May 2017, this critical update of the *30-Year Plan for Greater Adelaide* identified changes that will unlock economic development and investment, and reinforces Adelaide's reputation as a liveable, competitive and sustainable city.

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

The updated plan also:

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

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

Changes to Development Plans

Introduction

The Development Act legislates that each council is responsible for amending their relevant development plan to better reflect any changes to the South Australian Planning Strategy. The Minister can also amend development plans to address issues of state significance where required.

Amendments

Development Plan Amendment (DPA) activity for 2016-17 to 2018-19:

Development Plan amendment activity	2016-17	2017-18	2018-19
Statements of intent agreed between councils and the Minister	19	8	13
DPA's from councils approved by the Minister	26	30	13
Mean time for approved DPA's (months)	32	41	27
Median time for approved DPA's (months)	24	26	23
DPA's initiated by the Minister	6	1	7
DPA's initiated and approved by the Minister	2	7	1*
Mean time for approval of DPA's initiated by the Minister (months)	18	15	39†
Median time for approval of DPA's initiated by the Minister (months)	18	11	39†

Source: DPTI Statutory Planning

* interpreted to mean "initiated and approved in 2018-19"

† only includes 2x Part 2 DPA's only and only considers the timeframes for the Part 2, not the original DPA initiation (original DPA initiated 2010 or 2016)

Ministerial DPA data

MDPA's worked on in 2018-2019	Initiation	Approved
Adelaide-Gawler	Feb 2018	—
Lonsdale	17 Nov 2018	—
Devon Park	25 Nov 2018	—
Morphettville	20 Oct 2016	—
Aldinga	22 Mar 2019	—
Adelaide City Council minor amendments	4 Apr 2019	17 Oct 2019
Windermere	30 Apr 2019	—
Oakden	26 May 2019	—
Payneham and Stepney Strategic Sites	8 Oct 2019	—
Greater Edinburgh Parks – Part 2 – split	16 Dec 2013	25 Aug 2019
Southern Innovation Area – Part 2 – split	20 Feb 2018	22 Nov 2018

Source: DPTI Statutory Planning

Development Plan review

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

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

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

The Department of Planning, Transport and Infrastructure (DPTI) has worked closely with councils in preparation for transitioning existing Development Plans to the new Planning and Design Code, with information from the Development Plan Reviews informing the process.

Changes to the Building Rules

Beyond the introduction of the 2019 Building Code of Australia (below), minimal changes to the Building Rules took place in 2018-19 due to a focus on the delivery of a new planning system under the *Planning, Development and Infrastructure Act 2016* (PDI Act).

The only change of note was an update to the Minister's Specification SA 76 – Maintenance of Essential Safety Provisions, as a result of changes to the 2019 Code in relation to fire sprinkler systems. This update was adopted on 1 May 2019 to coincide with the introduction of the Code.

Beyond this the *Development Regulations* were unchanged in 2018-19 from a building perspective. From 1 July 2020, these regulations will be fully superseded by the *Planning, Development and Infrastructure (General) Regulations 2017*, operational under the PDI Act. These new regulations will set in place procedures in relation to the building rules consent and other matters under the PDI Act. A key change will be the introduction of certificates of occupancy for houses (Class 1a buildings).

New Ministerial Building Standards will also be made operational under the PDI Act, which will replace existing Minister's Specifications under the Development Act, which will be repealed from 1 July 2020.

Changes to the Building Code of Australia

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

efficiency, as well as certain aspects of health and amenity. From 2016 the Code moved to a three-yearly amendment cycle.

Following an out-of-cycle amendment to Volume One, which was adopted on 12 March 2018, the consolidated edition of the Code was adopted on 1 May 2019. Significant amendments include:

- the requirement for sprinklers in multi-storey residential buildings of 4 or more storeys and up to 25 metres in effective height.
- the requirement for accessible adult changing facilities in medium to large public buildings including shopping centres, sports venues and airports.
- new provisions to manage condensation.
- enhanced energy efficiency provisions, which are subject to a 12 month transition period.

Significant state-based amendments include the removal of the state variations for residential buildings located in designated bushfire prone areas. The removal of these variations ensures consistency with national standards and provides improved safety for homeowners constructing in bushfire prone areas.

Development assessment performance

Planning system performance

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

The data is collected from councils and their respective Council Assessment Panel (CAP); state government agencies involved in consultation and referrals; the State Commission Assessment Panel (SCAP); private certifiers; and the Environment, Resources and Development Court (ERDC).

The table below summarises the number of councils who have responded to the quarterly survey over the past two years. It also shows the number of councils who responded in all four quarters for each financial year.

Council Returns by Quarter (out of 68)

2017-18

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

Source: DPTI Planning System Indicator database

2018-19

Q1	Q2	Q3	Q4	All 4 Qtrs*
61	61	61	61	61

Source: DPTI Planning System Indicator database

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

Note: 60 councils responded in all 8 quarters between 2017-18 and 2018-19

Over the past two years, 60 of the 68 councils have provided data in each of the 8 quarters. In order to provide a meaningful comparison between financial years, the tables below show data only for the councils, private certifiers and referral agents who have responded in every quarter in both 2017-18 and 2018-19, as an indicator of relative performance of the planning system.

Development plan consents

Development applications lodged, approved or refused:

2017-18

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

Source: DPTI Planning System Indicator database

2018-19

Development plan category	Lodged	Approved	Refused
Schedule 4 complying (includes Res Code)	3 314	3 191	7
Merit	23 522	21 143	422
Non-complying	285	177	35
Total	27 121	24 511	464

Source: DPTI Planning System Indicator database

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

2017-18

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

Source: DPTI Planning System Indicator database

2018-19

Development plan category	Q1	Q2	Q3	Q4
Schedule 4 complying	10.0	7.5	8.5	8.5
Schedule 4 Res Code complying	6.0	8.0	5.0	7.5
Category 1 merit	18.0	19.0	18.0	17.5
Category 2 merit	40.0	39.5	33.5	47.5
Category 3 merit	54.5	68.5	51.5	44.5

Source: DPTI Planning System Indicator database

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

Information received	2017-18	2018-19
Within 30 days	13 331	10 342
Beyond 30 days	5 732	3 891
Total	19 063	14 233

Source: DPTI Planning System Indicator database

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

Category	2017-18	2018-19
Category 1	24 140	22 999
Category 2	1 897	1 858
Category 3	742	707
Total	26 779	25 564

Source: DPTI Planning System Indicator database

Planning consents issued by each type of relevant authority:

Relevant authority	2017-18	2018-19
State Commission Assessment Panel	777	771
Regional Council Assessment Panel	150	184
Officer of the authority under delegation	29 814	28 530
Total	30 741	29 485

Source: DPTI Planning System Indicator database

Building rules consents

Building rules consent applications lodged, approved or refused:

Consents	2017-18	2018-19
Lodged	36 614	37 562
Approved	36 993	36 500
Refused	154	155

Source: DPTI Planning System Indicator database

Note: Only Councils and Private Certifiers who responded in all eight quarters in 2017-18 and 2018-19 are included

Schedule 1A building rules consent-only applications assessed:

Application type assessed	2017-18	2018-19
Schedule 1A building rules consent only	6 777	6 108

Source: DPTI Planning System Indicator database

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

2017-18

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

Source: DPTI Planning System Indicator database

2018-19

Application type assessed	Q1	Q2	Q3	Q4
Schedule 1A building rules consent only	5.0	4.0	6.0	5.0

Source: DPTI Planning System Indicator database

Referrals

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

Referral item	2017-18	2018-19
Total number of referrals received	2 622	2 546
Total number of referrals responded to within the statutory timeframe	2 044	1 899
Total number of referrals responded to outside the statutory timeframe	419	572
Number of requests for further information that were made	367	272
Number of applicant responses that were received	250	186
Number of non statutory referrals received	228	195

Source: DPTI Planning System Indicator database

Note: Only Referral Agents who responded in all eight quarters in 2017-18 and 2018-19 are included

Appeals

Appeal process	2017-18	2018-19
Applicant appeals:		
Appeals lodged with the ERD Court	95	117
Appeals resolved without the need for a hearing	108	84
Appeals that resulted in the confirmation of a decision	9	6
Appeals that resulted in the variation of a decision	0	0
Appeals that resulted in the reversal of a decision	3	0
Third party appeals:		
Appeals lodged with the ERD Court	50	42
Appeals resolved without the need for a hearing	18	28
Appeals that resulted in the confirmation of a decision	3	8
Appeals that resulted in the variation of a decision	0	0
Appeals that resulted in the reversal of a decision	4	0

Source: DPTI Planning System Indicator database

Land division approvals

Land divisions for which a certificate of approval has been issued by the State Planning Commission:

Land division	2017-18	2018-19
Certificate of approval issued	3 061	3 003

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

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

Planning and Development Fund

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

In 2018-19 the Fund provided \$24.2 million towards public realm and open space projects across the state. Appendix 1 provides a breakdown of the funds allocated by project.

Improving open space and recreational facilities

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

Grants to Local Government

In 2018-19, the program provided \$16.8 million in grants to local government, including those through the Open Space and Places for People grant programs.

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

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

Other projects

In 2018-19, the program provided \$7.4 million towards public space and strategic planning projects through direct strategic investment in state government projects.

Appendix 1: Expenditure from the Planning and Development Fund at 30 June 2019

Recipient	Project	Grant (\$)
Grants to Local Government		
Alexandrina	Strathalbyn Town Centre Revitalisation (Stage 1)	536 000
Barossa	North and South Dog Parks	100 000
Burnside	Constable Hyde Memorial Garden Community Plaza	85 000
Campbelltown	Melba Court Reserve Improvements	50 000
Campbelltown	Campbelltown Creekline Connections	170 000
Charles Sturt	Illuminating Hindmarsh	196 990
City of Adelaide	Inclusive Play Space	1 000 000
City of Adelaide	Park 25 City Skate Park	2 308 000
Clare and Gilbert Valleys	Clare Main Street Renewal (Stage 1)	145 000
Goyder	Burra Creek West Development (Burra Skate Park)	232 500
Grant	Waterfront Stage 2	352 500
Holdfast Bay	Jetty Road Stage 1 (Chapel Street Plaza / Hindmarsh Lane)	1 770 458
Kangaroo Island	Prospect Hill Trail Redevelopment	125 000
Kingston	Kingston SE Main Street Precinct	334 250
Light	Freeling Recreation Park	150 000
Light	Gundrys Hill Historic Reserve Upgrade	120 000
Marion	Tonsley Greenway Segments 6 and 7	1 757 250
Marion	Capella and Nannigai Precinct Plan	75 000
Mount Barker	Linear Trail Extension	380 000
Onkaparinga	Metropolitan Growth Pilot Project	50 000
Onkaparinga	Morton Road Reserve Upgrade	1 500 000
Onkaparinga	Coast Park - Stage 7 O'Sullivan Beach	380 000
Port Adelaide Enfield	Port River Public Realm Design Strategy	20 000
Port Lincoln	Parnkalla Trail Wharf Precinct Redevelopment	400 000
Prospect	Broadview Recreation Precinct Redevelopment	350 000
Prospect	Charles Cane Reserve Redevelopment	508 562
Salisbury	Green Trails - Dry Creek (Mawson Lakes/Pooraka)	1 000 000
Salisbury	Little Para River Corridor Land Purchase	162 500
Southern Mallee	Pinnaroo Village Masterplan and War Memorial Refurbishment	25 000
Tea Tree Gully	Dry Creek Concept Plan	45 000
Unley	Wilberforce Walk Greenway Link	610 000
Victor Harbor	Main Street Precinct Stage 3	981 500

Recipient	Project	Grant (\$)
Wakefield	Bridging the Walk the Yorke	62 000
Wattle Range	Millicent Parklands Revitalisation	267 500
West Torrens	Kings Reserve Stage 2 (Playspace Upgrade)	577 500
Total		16 827 510
Other public space and planning projects		
DPTI	Implementation of Planning Reform	5 347 000
DPTI	Implementation of 30-Year Plan	1 000 000
DPTI	Implementation of DPA Program	250 000
DEW	DPTI Land Management Program	790 753
Total		7 387 753
TOTAL INVESTMENT FROM FUND		<u>24 215 263</u>

For further information

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