1.0 ABOUT THE HOUSING INDUSTRY ASSOCIATION

The Housing Industry Association (HIA) is Australia’s only national industry association representing the interests of the residential building industry, including new home builders, renovators, trade contractors, land developers, related building professionals, and suppliers and manufacturers of building products.

As the voice of the residential building industry, HIA represents a membership of 60,000 across Australia. HIA members are involved in land development, detached home building, home renovations, low & medium-density housing, high-rise apartment buildings and building product manufacturing.

HIA members comprise a diverse mix of companies and residential builders, including; the Housing 100 volume builders, small to medium builders and renovators, residential developers, trade contractors, major building product manufacturers and suppliers and consultants to the industry. HIA members construct over 85 per cent of the nation’s new building stock.

The residential building industry is one of Australia’s most dynamic, innovative and efficient service industries and is a key driver of the Australian economy. The residential building industry has a wide reach into manufacturing, supply, and retail sectors.

Contributing over $100 billion per annum and accounting for 5.8 per cent of Gross Domestic Product, the residential building industry employs over one million people, representing tens of thousands of small businesses and over 200,000 sub-contractors reliant on the industry for their livelihood.

HIA exists to service the businesses it represents, lobby for the best possible business environment for the building industry and to encourage a responsible and quality driven, affordable residential building development industry. HIA’s mission is to:

“promote policies and provide services which enhance our members’ business practices, products and profitability, consistent with the highest standards of professional and commercial conduct.”

HIA develops and advocates policy on behalf of members to further advance new home building and renovating, enabling members to provide affordable and appropriate housing to the growing Australian population. New policy is generated through a grassroots process that starts with local and regional committees before progressing to the National Policy Congress by which time it has passed through almost 1,000 sets of hands.

Policy development is supported by an ongoing process of collecting and analysing data, forecasting, and providing industry data and insights for members, the general public and on a contract basis.

The association operates offices in 22 centres around the nation providing a wide range of advocacy, business support services and products for members, including legal, technical, planning, workplace health and safety and business compliance advice, along with training services, contracts and stationary, industry awards for excellence, and member only discounts on goods and services.
2.0 INTRODUCTION

HIA advocates that once land is zoned for residential purposes, there should be no further environmental constraints requiring further investigation. Such constraints can have numerous negative impacts for the development industry, such as; reducing lot yield after zoning or constraining good design that is cost effective whilst sensitively maximizing a site’s full development potential.

HIA’s position regarding these matters is provided in the following HIA policies (Refer – Attachments A and B):

- Truth in Zoning, and
- Planning Reform

Strategic planning processes must be robust and developed with sufficient rigour that unnecessary regulatory barriers to industry do not exist as part of the statutory implementation. Such barriers create poor planning outcomes including approval delays that slow the supply and delivery of housing to the market at an affordable price.

A good planning system must have planning efficiencies integrated within the system. Planning efficiencies and their associated benefits are best achieved via a streamlined planning system that provides for the reasonable development of land in accordance with the Zone.

A planning system that, despite the Zone that applies to the land, is significantly hampered by numerous additional regulatory controls is not considered efficient or streamlined. It is noted this very situation arises for example in the General Neighbourhood Zone and the Residential Neighbourhood Zone.

These and other technical elements of the Draft Planning and Design Code, Phase two (Rural Areas) October 2019 and Development Assessment Scenarios are discussed further in Section 3.
3.0 DISCUSSION AND RECOMMENDATIONS

The Draft Planning and Design Code is an excessively large complex document with numerous Zones, Overlays and Design Policies, coupled with the Planning, Development & Infrastructure Act 2016 & Regulations.

Comments from experienced Industry professions appear that negotiating the Planning & Design Code requirements is difficult, time consuming, creates uncertainty around completeness of an planning application, especially where the numbering reference system is inaccurate.

HIA is concerned that where accredited professionals are having difficulty negotiating Code requirements, just how will small to medium family building companies ever gain a complete understand of the requirements?

HIA is of the opinion that the Code "MUST" be supported with a step by step flowcharts (or an automated process within the “E” planning system) for industry and the general public to use as guidance or check sheets with the formulation or gathering of the appropriate technical information for each and every application. This will avoid costly time delays for all parties involved in the approval process, hopefully overcoming the need for authorities to seek additional information from the applicant, whilst working to achieve targeted approval times as outlined within the legislation.

Industry as well as mum & dad developers will be forced into consultation with Planning Professionals on each and every application, increasing development costs, unless comprehensive guidance material is available.

Information circulating within the industry indicates that the “E” Planning System may not be fully operational by April 2020, which supports the need for “step by step flow charts” for use by industry for all planning applications from outbuildings through to large scale developments.

The Department Planning Transport and Infrastructure must as soon as possible join with industry in facilitation of training and awareness sessions throughout the state of South Australia.

Of specific concern are;

- Design restrictions around driveway/entrance widths on sites less than 20m, and over 20m, being applicable to infill developments are again being applied to regional and rural areas, which appears to be totally unnecessary, especially as many rural and regional roadways may not have fully formed concrete kerb & drainage channels. These restrictions will reduce the number of applications using the DTS approval process.

- The Design Code requirements on sites less than 12m wide limit garages under the main roof to a single width. Where the applicant may require two car garage uncover, the design could introduce a tandem car parking designs, however with a 10m maximum restriction on boundary wall construction the tandem garage is not possible.

- As set out above where tandem garages are not possible the restriction in garage doors widths on site less than 12m will severely impact on standard designs and community expectations to house both cars under cover.

- Front façade design requirements such as front facing entry doors and minimum window sizes, stifles architectural design and flexibility creating standardized designs that may not blend in with the character of surrounding homes not matter what era.

- During the community consultation process particularly re car parking, generated large amounts of discussion and planning objectives around the increased use of public transport, less cars on roads, city centres free of traffic, smaller cars, electric cars and yet the Design
Code increases the sizes of garages above Australian Standards. The costs to industry to change standard designs, display homes etc is unwarranted. Planning policy and objectives for increased private garages, should be clearly articulated to industry and the general public?

- Open Space Ratio Tables create confusion:

<table>
<thead>
<tr>
<th>Dwelling-site size</th>
<th>Minimum area of POS</th>
<th>Minimum dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>80m²</td>
<td>4m²</td>
</tr>
<tr>
<td>&gt;500m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>300-500m²</td>
<td>60m²</td>
<td>4m²</td>
</tr>
<tr>
<td>200-300m²</td>
<td>24m²</td>
<td>3m²</td>
</tr>
<tr>
<td>&lt;200m² Three bedroom</td>
<td>15m²</td>
<td>3m²</td>
</tr>
<tr>
<td></td>
<td>11m²</td>
<td>2.5m²</td>
</tr>
<tr>
<td></td>
<td>8m²</td>
<td>2m²</td>
</tr>
<tr>
<td></td>
<td>8m²</td>
<td>2m²</td>
</tr>
</tbody>
</table>

- Land sizes at 200m² or less have open space requirements @ 15m²

- Land sizes at 200m² > 300m² commence their open space @ 24m². A land size at 200m² has a choice of size 15m² or 24m². A similar situation occurs at 300m².

- The 300m² > 500m² is a huge variation from a site at 301m² required to have 60m² open space compared to a site at 500m² also at 60m² open space. The table should be more evenly graded from 301m² @24m²

- Waste bin storage area 3m² + the required 800mm access walkway, can’t be located in front of the dwelling, won’t fit down the side of the dwelling with 900mm set-backs, the only remaining space is in the open space area. Do we need to deduct that waste area from the open space area?

- Residential accommodation finished floor level to be 300mm above top of kerb – are homes on the lower side of the road automatically not DTS applications?

- The policy or guidance material contained within the Design Code around the requirement of planting trees on infill development sites, is of concern to the Housing Industry Association. The impact such trees have on Adelaide’s expansive soils and the structural implications around the failure of concrete footings (designed in accordance with the Building Code of Australia) and the erected building, appears to have been overlooked or not clearly articulated or referenced within the Design Code. Although the Ministers Specification 009 has been released around stormwater management of sites with soil heave exceeding 25mm, the relationship and impact with the required planting of trees on infill sites has not be clearly articulated, leading to possible legal liability to those approving authorities.

If the intention of DPTI is to continue to require the mandatory planting of trees on infill sites, there must be clear “warning notices” placed within the Code especially round DTS requirements, to warn designers and approving authorities.
The requirements relating to the filtration of stormwater runoff on “one” residential infill development of 5 >19 dwellings within the “Land Division Urban Areas” policy guidelines, is “excessive and totally unnecessary”. Such requirements may be applicable in commercial & industrial developments with large numbers of traffic movement in and out of the site, including commercial vehicles. However to apply the same industrial requirements to development comprising 5 > 19 detached or semi-detached residential dwellings with a Class 1 BCA classification is ridiculous and has huge implications on affordability. The environmental justification for such a site compared to 19 single dwellings in normal residential street are nonexistent.

(a) 80% reduction in average annual total suspended solids
(b) 60% reduction in average annual total phosphorus;
(c) 45% reduction in average annual total nitrogen.

The requirement to have all rainwater tanks on residential sites plumbed to all toilets, laundry and other outlets is excessive and unnecessary over existing requirements. The requirement also is at odds in regional areas where rainwater is the preferred potable water used for drinking, cooking etc. over very hard mains water. This requirement unless amended reduces the opportunity for Deemed to Satisfy requirements.

Stormwater drainage target requirements that 80% of the roof area must drain to the rainwater tanks adds considerable costs in drainage schemes particularly around infill developments, and is not justified, and may cause flooding, especially as the Building Code now has mandated overflow provisions for eaves gutters.

General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ)

As an example of matters raised in the introduction it is a reasonable industry expectation that there are minimal development approval triggers for a Detached dwelling (whether in a battle-axe arrangement or not), a Semi-Detached dwelling and a Row Dwelling within either the GRZ or NRZ. Further where an approval is required to be obtained the assessment and determination of the application is able to be proceed with only a minimal amount of regulatory control as the land has already been identified for this purpose. Matters that an Overlay is required to address should have been dealt with during the strategic planning stage and not have to be repeatedly addressed as part of the statutory implementation.

However due to the application of so many Overlays this is not the case and it is highly likely the need to obtain a development approval would be triggered and such an application in many instances would be subject to extensive and costly application requirements and a protracted assessment and determination period. This is an undesirable outcome as part of a lengthy planning reform process. It is submitted that the Overlay requirements be reviewed with the aim of being redrafted to exempt particular classes of development requiring approval based on the requirements of an Overlay. Particularly those residential classes of development that are clearly commensurate with the objective of the GRZ and NRZ and other residential zones, these classes of development must not trigger the need for a permit to be applied for and accordingly any assessment and determination criteria of an Overlay would not apply.

These comments are of course provided in the absence of knowing what the Subzone requirements will be and these are very likely to exacerbate matters raised in this submission.

HIA has reviewed the following scenarios:
• One: Detached Dwelling & Outbuilding in Township Zone
• Three: Land Division - Boundary Realignment in Rural Zone, and
• Six: Two Storey detached dwelling and free standing carport and shed in Rural Living Zone

Whilst it is acknowledged these scenarios may be useful as a means of providing some guidance as to framework and structure in assessing such development applications they are considered to be over simplified and therefore potentially misleading, for example:
• Scenario One has no Overlays, given the sheer quantum of overlays this is considered an unlikely scenario
• Scenarios Three and Six each have only one Overlay, given the Rural Zone and Rural Living Zone and the sheer quantum of Overlays this is considered an unlikely scenario. It is considered more overlays of an environmental nature would apply in such zone settings.
4. CONCLUSION

The Housing Industry Association (HIA) appreciates the opportunity to provide feedback on the Draft Planning and Design Code Phase two (Rural Areas).

HIA understands that the over-riding objective of the new Planning System is to simplify the current system and rationalize the current plethora of often conflicting policies in a clear and concise way to encourage confidence in a streamlined and easily understood system. We are concerned that some aspects in the code will not contribute to this objective and could possibly result in greater complexity, increased red tape and cost to residential building.

It is unfortunate that the e’Portal is not operational during the consultation period as navigation of the 3,000 page document by manual means is very time consuming and confusing. This is exacerbated by the lack of step by step flow charts and guidance material to assist the process of evaluating the contents of the code.

This has led to the likely outcome of our submission being incomplete due to the difficulty of fully assessing all components of the code.

The discussion and recommendations we have provided cover off on the issues we have been able to review in the time provided by the consultation period and resources available.

It is anticipated that a more detailed response, particularly on the deemed-to-satisfy provisions will be provided in our later submission on Design Code Stage Three (Urban Areas) due at the end of February 2020.

It is disappointing that there appears to have been a cut and paste approach to some aspects of the Code with some of the more onerous features of the previous planning system translated into the new code. With, for example, filtration of stormwater runoff for developments of between five and nineteen dwellings being a particularly costly and unnecessary inclusion. It is hoped that this and others like it will be removed before the final Code is introduced.

One of the overarching principals of the Planning reform process should be that any new initiatives should not come at the cost of a negative impact on housing affordability.

To ensure this is achieved a continuing cost benefits analysis process needs to be undertaken to identify and monitor the impact of the code on the cost of residential building and land supply.
HIA represents the residential building industry nationally and helps members locally through its regional offices across Australia.

hia.com.au
HOUSING INDUSTRY ASSOCIATION LIMITED ACN 004 631 752
ACT/SOUTHERN NEW SOUTH WALES • HUNTER • NEW SOUTH WALES • NORTH QUEENSLAND • QUEENSLAND • SOUTH AUSTRALIA • TASMANIA • VICTORIA • WESTERN AUSTRALIA
HEAD OFFICE CANBERRA 79 Constitution Avenue, CAMPBELL ACT 2612
Truth in Zoning

Policy Background

- The supply of land for housing development is influenced by zoning, subdivision approvals and the development approval process.
- Developers and builders face a range of barriers to building on residentially zoned land that can be applied at any stage of the land and housing supply pipeline.
- Many constraints affecting the supply of land for housing:
  - emerge in planning scheme requirements after land has been zoned for residential purposes;
  - have a layered approach and a cumulative effect on the development that can ultimately take place on a single parcel of land;
  - can quarantine or sterilise land from development at any stage of the process, despite being zoned for residential purposes;
  - can relate to the risk of natural hazards or to broader social or environmental concerns that are not specific to a single parcel of land; and
  - are being applied to zoned land retrospectively.
- Some constraints relate to mapping of natural threats such as anticipated threat of bushfire or sea level rise/inundation, threatened species identification.
- Others can be non-environmental and can include heritage matters, presence of easements and other design and development related requirements.
- While each is a potentially valid claim for land to be preserved or development to be managed in a specific way, in many cases the request by authorities to address these constraint is made at an inappropriate stage of the development process resulting in significant delays and additional costs.
- In some cases, this can result in highly valued residential land being removed from the land supply pipeline as no longer appropriate for development.
- The outcome is that despite land being residentially zoned the heightened level of uncertainty results in financial risk, additional costs, delays and ultimately a restriction on the supply of build ready land.
- Governments need to be responsible for providing greater certainty over when constraints are applied to land through the zoning, subdivision and development approval processes to ensure that land owners are aware of all potential matters that may affect the future use of that land for residential purposes at the earliest possible time.

HIA’s Policy Position on Truth in Zoning

1. Governments (being all governments or relevant authorities) should provide certainty in the application of planning controls on residential land.
2. In applying planning and environmental controls to land, Governments should firstly verify and then disclose all known constraints which they intend to apply and at which stages of the development process.

Policy endorsed by HIA National Policy Congress: May 2013; Re-endorsed with amdts 2018; Amended 2019
3. The key stages at which known constraints should be declared and applied by governments are:
   a. Designation for urban development;
   b. Zoned for urban development;
   c. Subdivision planning approval; and
   d. Registration of title and sale or redevelopment of lots.

4. The known constraints should only be applied by Governments at the designated stage in the
development assessment process. (as set out in Attachment A)

5. If a constraint is missed, or unknown, by a government at an earlier stage of development, it
cannot be retrospectively applied unless appropriate compensation is provided to the property
owner for the reduced development rights.

6. All major constraints on land should be accounted for by the build stage (that is prior to stage 4:
registration of title) leaving builders, and home buyers, to only account for site layout, setback
matters and known environmental constraints as outlined in council planning schemes.

7. Requests from councils to apply constraints that have no foundation in state planning schemes
or documents incorporated within planning schemes should be rejected outright.
ATTACHMENT A – Constraints on Land and their Application by Authorities

This attachment seeks to provide a list of constraints that are typically applied in the zoning, subdivision and planning approval processes and nominates the preferred stages in the land supply pipeline that HIA considers they should be identified or applied (if they are to be included at all).

The changing planning environment means that this is an indicative list that remains live and able to be adjusted over time. HIA policy position sets out the nature of the problem and industry’s preferred approach. The stages are intended to mirror the six stages of land development identified by the National Housing Supply Council (2010). For the purposes of this Policy they have been combined where appropriate.

Stage 1 Designation of Land for Urban Development Zone

The constraints listed below should be identified prior to designation of land of urban development zone.

<table>
<thead>
<tr>
<th>Constraints to be identified when land is Designation for Urban Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open space</td>
</tr>
<tr>
<td>Airports</td>
</tr>
<tr>
<td>Roads</td>
</tr>
<tr>
<td>Major Infrastructure</td>
</tr>
<tr>
<td>Facilities for renewable energy</td>
</tr>
</tbody>
</table>

Stage 2 Zoned for Urban Development

The constraints listed below should be identified prior to rezoning any land from a general Urban Growth/Future Urban zone or rural zonings to a specific purpose zone, e.g. residential, public land, special purpose zonings.

Also at this stage planning scheme overlays or structure plans may be prepared which might also seek to apply a constraint on land e.g. identification of flood prone land, heritage areas, site coverage (density), slip, slope, subsidence and so forth. These constraints should also be declared at this stage to increase certainty for land owners.

<table>
<thead>
<tr>
<th>Constraints to be Identified when land is Zoned for Urban Development</th>
</tr>
</thead>
</table>
| Environment and landscape overlays | Could include environmental significance overlay

Vegetation protection overlay
Significant landscape overlay |
| Heritage and built form overlays | Heritage overlay
Design and development overlay
Incorporated plan overlay
Development plan overlay
Neighbourhood character overlay |
### Constraints to be Identified when land is Zoned for Urban Development

| Land management overlays | Erosion management overlay  
| Salinity management overlay  
| Floodway overlay  
| Land subject to inundation overlay  
| Special building overlay  
| Bushfire management overlay  
| State resource overlay |

| Other overlays | Public acquisition overlay  
| Airport environs overlay  
| Environmental audit overlay  
| Road closure overlay  
| Restructure overlay  
| Development contributions plan overlay  
| Toll Road overlay  
| Parking overlay |

| Alpine areas | Framework for planning alpine resorts  
| Sustainable development in alpine areas |

| Biodiversity | Protection of habitat  
| Location of threatened species  
| Native vegetation management |

| Sea level rise/coastal issues | Protection of coastal areas threat of coastal inundation and erosion |

| Bushfire | Bushfire planning strategies and principles |

### Stage 3 Subdivision Planning Approval

The constraints listed below should be identified prior to the subdivision planning approval for lot designs. These constraints are normally addressed through the subdivision application process, whereby relevant studies are undertaken before the issue of a subdivision planning approval, and potentially, relevant actions are required to be carried out before the completion of a subdivision to confirm or address the impact of these constraints on land.

| Constraints to be identified by Subdivision Planning Approval | Use of contaminated and potentially contaminated land  
| Erosion and landslip  
| Salinity  
| Noise abatement, air quality  
| Wetlands and storm water planning. |

| Heritage | Heritage conservation  
| Aboriginal cultural heritage |
### Constraints to be identified by Subdivision Planning Approval

| **Layout of built environment** | Neighbourhood subdivision site and context description and design response  
Lot design location and design of residential development  
Access and mobility management  
Integrated water management  
Utilities location  
Any design requirements for safety  
Cycling networks |
| **Location of commercial centres/public transport networks** | Principal Public Transport Network  
Road system  
Waste and resource recovery |
| **Community infrastructure** | Health facilities  
Education facilities  
Day Care facilities  
Recreation facilities |
| **Bushfire** | Bushfire prone areas |

Where the ‘subdivision planning approval’ occurs after the civil works construction approval (and the required civil works are completed), the constraints in the table above should be identified during stage 2 (Rezoning).

### Stage 4 Registration of Title

Once lots are registered and sold any constraints that continue to apply to future development of the site should only be those related to the individual lot. These constraints should be clearly specified in relevant publicly available planning information available to the owner of that site. The following matters may be identified as the remaining issues for consideration in the design of a new building:

### Constraints that are considered acceptable if applied to an individual lot (or group of lots)

Planning requirements relating to the individual allotment may include:

- Site layout and building massing
- On-site amenity and location of facilities/utilities
- Detailed design factors
- Neighbourhood character considerations
- Single tree removal requirements
- Restrictive covenants
- Any common property type infrastructure required as a result of creating more than one allotment including utilities and creation of common property
- Minimum floor levels (for construction in flood prone areas)
- Bushfire rating levels (for construction in bushfire prone areas)
Policy Background

- Technical standards used for the construction of housing across Australia operate through a national building code. Yet each State and Territory presently operates under planning legislation which is not nationally consistent.
- The impact of state based planning legislation and local housing policies and codes on the housing sector is becoming increasingly evident.
- The cost of delays and the growing gap between the demand for, and the supply of, housing is in many cases directly related to inefficiencies in planning systems.
- State and local governments are seeking to address emerging issues, including some technical construction aspects, through their planning systems, rather than seek changes to the national building code.
- Improvements in the planning system can significantly reduce approval delays and therefore improve the supply and delivery of housing to the market at an affordable price.

Policy Issues

- Planning systems around Australia are characterised by complex and varied zoning controls, definitions and requirements in different council areas.
- The planning process is increasingly becoming complicated and unpredictable with varied requirements for housing, depending on its location.
- Growing planning systems are characterised by their complexity, lengthy approval times and requirements for design compliance at significant cost to industry and the home buying public including:
  - a significant increase in the number of proposals that now require planning approval;
  - greater opportunity being afforded to third parties to influence the decision making process;
  - an increase in the number of referral agencies and an increase in the time taken to process referrals;
  - a myriad of ‘additional; issues imposed through local policies and codes coming into play – which at best are subjective and uncotted.
  - government’s continued monopoly in undertaking all development assessment work, accompanied by a shortage of skilled planning and associated staff, particularly at the local government level;
  - the rigid application of development standards that generally discourage housing mix and choice and limits the ability of the market to deliver accommodation types that suit demand.
- If the housing industry is to operate successfully in Australia, red tape and bureaucratic differences in the planning system need to be slashed.
- The core of reform should be based around predictability with the ability to clearly demonstrate that a proposal meets performance guidelines, legislated standards or codes.
HIA’s Policy Statement on Planning Reform

HIA supports:

1. Consistent planning regulation, with standardised approaches to planning scheme layouts, appropriate levels of assessment for development types and clear frameworks for the introduction of changes which affect building fabric and design.

2. Planning performance being subject to a continual benchmark program that binds all levels of government to ongoing and consistent planning practice improvements – including the potential for them to be tied to national competition policy payments.

3. Mandatory Regulatory Impact Statements for new planning requirements. This includes a comprehensive cost benefit analysis with a particular emphasis on housing affordability by any level of government seeking to introduce new planning regulation recognising that there can be economic, social and environmental benefits from a proposal. The cost benefit analysis must be positive for any new planning requirements to be introduced.

4. Housing affordability as an objective in all state planning legislation, local and regional planning schemes.

5. Streamlining of planning systems which includes the use of:
   - standardised planning requirements;
   - prescribed third party notification and timely processes for referrals;
   - as of right approvals on complying residential approvals;
   - simplified referral processes;
   - the involvement of the private sector in the planning approvals process including necessary engineering approvals required following planning approval;
   - e-Planning processes for lodgement and assessment of planning approvals; and
   - the implementation of independent Development Assessment Panels (DAPs) or regional decision making bodies, where approvals are not determined by delegation.

   Further detail on each of these initiatives is outlined in Attachment A.

HIA does not support:

6. Technical regulation introduced through planning systems in particular, prescribed minimum requirements, which should be applied through the Building Code of Australia (BCA) or which are in conflict with existing standards in the BCA and Australian Standards.
Attachment A: HIA Planning Reform Principles

The following principles should be considered by governments for implementation to streamline planning systems.

There are a number of ways in which planning processes can be streamlined. As a basis for planning reform, lobbying around the following principles is considered desirable:

Model Planning Schemes

Consistency on all planning schemes is desirable and gives a sense of certainty to the industry and reduces red tape for both local government authorities and applicants.

HIA supports:

- The development of standardised or state planning schemes incorporating standard principles (format, zones, definition, etc.) as a way of providing certainty for all councils in their respective planning schemes.

As of Right Development – One Approval – Code Assess

If land is zoned for a certain purpose e.g. residential use, the community should have an expectation that it will be used for this purpose – in accordance with the guiding development principles established either by state or local government.

Where planning approval is required for housing in a residential zone, a simplified approval process should be available.

HIA supports:

- Standardised ‘as-of-right’ development as an appropriate approach for development of a routine nature to ensure only a single approval is required for housing development.
- If an application for development approval is not determined within the legislated decision making timeframe, including any extension of the period, then the application should be deemed to have been approved.

Third Party Objections

In all development proposals third party appeal objections and appeal rights which are available in some states can be a source of lengthy delay in the approval of developments, particularly when many proposals comply with Council planning schemes. Expansion of third party appeal rights which would exacerbate this problem is not supported.

HIA supports:

- If land is appropriately zoned for residential use, third party appeal rights should not apply for complying developments.
- Clarification of notification procedures on a state-wide basis to avoid subjective analysis by Council officers as to who is affected by a residential development.

Referrals

Referral procedures by councils are causing delays and costs in the planning approval process.

A simplified referral process including the potential for a one stop shop process which allows for earlier consultation on issues is desirable with standardised time frames for responses and co-operative dispute resolution.
The housing industry expects certainty in the decision making process and believes that the consent authority should have the responsibility to weigh up conflicting referral responses and independently make a decision in the required statutory time frame.

HIA supports:

- A review of appeal and referral procedures by state and local governments.
- A standardised process for application referrals including time frames and co-operative dispute resolution.
- Consent authorities having responsibility for weighing up conflicting referral responses and independently make a decision.
- A third party being allowed to undertake the referral process independent from authorities.

**Private Certification (see HIA Policy *Certification in Planning*)**

Private involvement in the planning process, subject to clear pre-set rules and procedures, does not threaten the roles and responsibilities of Local Councils or similar consent authorities.

Private involvement in planning assessments can take a number of forms that can assist council. If undertaken carefully, private certification can free Council staff from non-discretionary duties, allowing more time for merit-based assessments.

HIA supports:

- The introduction of private sector involvement in development assessment processes, both on a formalised and informal basis. Practitioners should be subject to transparency and accountability requirements.
- Mandatory requirements that Councils must offer private certification as an alternative for proponents to progress planning applications in a timely and efficient manner.

**e-Planning**

Significant opportunity exists for streamlining the planning process through electronic processes. The supply of relevant information via local government websites coupled with the electronic planning application lodgement and issue of approvals is a way of reducing housing costs.

HIA supports:

- The development and application of electronic processes for the lodgement, viewing tracking and issue of planning approvals by local and state governments.

**Development Assessment Panels (DAPS)**

Independent Development Assessment Panels (DAPS) can assist the planning process by providing a balance between technical planning advice and local knowledge. They can also assist the planning process by providing independent decisions in a timely manner. DAPs can offer certainty and a consistent interpretation of planning codes.

HIA supports:

- The implementation of independent Development Assessment Panels as a means of improving the planning process as they provide certainty, consistency and transparency in the decision making process.
- The setting of clear thresholds as to which applications should be considered by a Development Assessment Panel.