# Table of Contents

1. Introduction ............................................................................................. 4
   1.1 Statement of Intent .................................................................................................................... 4
   1.2 Chief Executive Statement ....................................................................................................... 5
   1.3 The key Council contact person .............................................................................................. 6
   1.4 Third Party Funding .................................................................................................................. 6

2. Scope of the Proposed Development Plan Amendment ................. 4
   2.1 Need for the Amendment .......................................................................................................... 4
      2.1.1 Rationale ................................................................................................................ ................................ 4
      2.1.2 Affected Area ........................................................................................................... ......... 4
      2.1.3 Potential Issues ........................................................................................................ 4

3. Strategic and Policy Considerations ...................................................... 6
   3.1 The Planning Strategy .............................................................................................................. 6
      3.1.1 Example for the Greater Adelaide Region: ............................................................................................. 6
      3.1.2 Example for the Far North Adelaide Region Plan: ............................................................................ 6
   3.2 Council Policies ......................................................................................................................... 7
      3.2.1 Council’s Strategic Directions (Section 30) Report ................................................................................. 7
      3.2.2 Infrastructure Planning ........................................................................................................................... 7
      3.2.3 Other Policies or Local Issues ................................................................................................................ 7
   3.3 Minister’s policies ..................................................................................................................... 8
      3.3.1 Planning Policy Library ................................................................................................. ......................... 8
      3.3.2 Existing Ministerial Policies (Section 25(5), 26 and 29) .......................................................................... 8
      3.3.3 Ministerial DPAs ........................................................................................................ 8

4. Investigations and Consultation ............................................................. 9
   4.1 Investigations ............................................................................................................................ 9
   4.2 Consultation .............................................................................................................................. 9

5. Proposed DPA Process .......................................................................... 11
   5.1 DPA Process ............................................................................................................................ 11
   5.2 Interim Operation (Optional) .................................................................................................. 11

6. Professional Advice and Document Production ............................... 12
   6.1 Professional Advice ................................................................................................................ 12
   6.2 Document Production ........................................................................................................... 12
6.3 Mapping

7. Proposed DPA Timetable
1. Introduction

This Guide to Preparing a Statement of Intent has been written to assist planning policy practitioners to prepare a Statement of Intent (SOI) initiating a Development Plan Amendment (DPA) process.

The guide has been structured to match the format of the SOI template introduced by the Department of Planning, Transport and Infrastructure (the Department). This new template has been designed to simplify the process of preparing the SOI by encouraging councils to focus on the key strategic reasons for undertaking the DPA. In aligning the DPA with the policies, objectives and targets expressed in the relevant volume of the Planning Strategy, council’s Strategic Directions (Section 30) Report and/or relevant Structure Plan, the SOI will form the basis for prioritising the completion of DPAs across the State.

The guide takes practitioners through the key stages of the SOI and provides an explanation of the information that needs to be included. In order to avoid unnecessary delays to the initiation process, it is strongly recommended that council, and the consultants engaged by council, prepare the SOI in consultation with relevant Department staff.

Editor Toolbar

A ‘SOI Editing Toolbar’ (shown below) has been developed to assist practitioners in editing the SOI pro-forma document. Various repetitive editorial functions have been streamlined through use of macro functions available within this toolbar. The toolbar is available within the toolbar choices once a document is created from the SOI Pro-forma template. If you are in need of assistance in setting up and using this toolbar please contact the Department.

1.1 Statement of Intent

The SOI is the formal agreement between a council and the Minister responsible for administering the Development Act 1993 (the Act) regarding the matters to be considered and the processes to be undertaken when changing a Development Plan.

Pursuant to section 25 of the Act and regulation 9 of the Development Regulations 2008 (the Regulations), the SOI is required to provide the following details:

- Scope of the DPA – an explanation of the reasons for the preparation of the amendment and a description in the changes in circumstances leading to the need for the amendment as well as an explanation of the range of issues to be addressed in the DPA.
- Planning Strategy Policies – an identification of relevant Planning Strategy policies (including Structure Plans gazetted as part of the Planning Strategy) and a statement confirming that the DPA will be consistent with these policies.
- Minister’s Policies – an identification of any policies relevant to the amendment that were introduced by the Minister and a statement confirming that those policies will only be changes in a way that ensures consistency with the Planning Strategy.
- Council Policies – an indication of how the policies issues proposed to be addressed by the amendment relate to council’s latest Strategic Directions (Section 30) Report, relevant infrastructure planning, council wide policies, including those for adjoining council areas, and relevant local issues.
- Policy Library - an indication of any policy modules drawn from the Planning Policy Library that will be used to change the Development Plan.
• Investigations – an outline of the investigations that will be undertaken and the form that those investigations will take in order to address the strategic and social, economic and environmental issues of the proposed amendment.

• Agency Consultation – a list of the Ministers, government Departments or agencies, and councils that will be consulted during the investigation and consultation stage.

• Public Consultation – a description of the public consultation that is proposed to be undertaken during the investigation and consultation stages.

• Process – an indication of the process that is proposed to be undertaken (section 25(6) of the Act) and an explanation as to why the proposed process is considered to be the most appropriate.

• Planning Procedures – the identification of personnel who will provide professional advice to council on the DPA for the purposes of section 25(4) and (13)(a) of the Act and a statement confirming that no-one directly involved in the preparation of the DPA has a conflict of interest.

• Document Production – an indication of how the proposed amendments will be shown in the DPA and an outline of the nature and extent of the responsibility of officers and consultants involved in the preparation of the DPA, including mapping amendments.

• Timetable – an outline of the proposed timetable for each step of the process and a commitment on the part of the council that the council will take steps to update the timetable if it appears that that any stage that the council will require an extension.

1.2 Chief Executive Statement

The SOI includes a statement from council’s Chief Executive confirming that the proposed DPA:

• will assist in implementing the relevant volume of the Planning Strategy
• has been endorsed by the council
• will be undertaken in accordance with all statutory requirements of the Act and Regulations
• will be sufficiently resourced to complete the DPA within the agreed timeframe
• may be informed by investigations and other information produced by external sources that will be subject to review by a qualified, independent professional advisor (pursuant to section 25(4) of the Act).

The purpose of this Statement is to confirm council’s commitment to preparing the DPA in a form which meets the Minister’s requirements and which is completed within agreed timeframes. The capacity of councils to meet agreed timeframes is being monitored by the Department with a view to lapsing those DPAs (via the mechanisms provided under the Act) that are no longer considered by the Department and the Minister to be strategically important. It is imperative, therefore, that councils give due consideration to the level of resources required to complete the DPA prior to initiation.

The Statement also seeks confirmation that information produced by external sources used to inform the DPA will be reviewed by an independent professional person(s) with the prescribed qualifications, pursuant to section 25(4) of the Act. These prescribed qualifications are:

• corporate membership of the Planning Institute of Australia; or
• qualifications or experience in urban and regional planning, environmental management or related discipline as are appropriate in the Minister’s opinion.

If council is unable to meet the requirements listed in this section, the DPA cannot be initiated.
1.3 The key Council contact person

Council is required to identify the key council contact person responsible for managing the DPA process.

This provides Department staff with a single point of contact for discussions about the DPA for the duration of the DPA. Council should notify the Department of any change to the designated contact person in a timely manner.

1.4 Third Party Funding

Council must advise whether the DPA will be partly or fully funded by a third party.

This information is required to ensure transparency of the DPA process. In cases where the DPA is to be partly or fully funded by a third party, council should consider a separate agreement with the subject party to formalise the respective roles of council and the third party in preparing the DPA.
2. Scope of the Proposed Development Plan Amendment

2.1 Need for the Amendment

2.1.1 Rationale

Under this heading, council needs to provide an explanation of the reasons for preparing the DPA and a description of the changes in circumstances which have led to the need for the amendment.

Where relevant this section should include council’s key strategic objectives for initiating the proposed change to the Development Plan. It should also indicate why the DPA is needed now. If the DPA seeks to implement key planning strategies or will support Planning Strategy targets, council should clearly indicate this as part of the rationale.

In presenting this material, council should be mindful of the need to clearly articulate and contain the scope of the DPA so that appropriate investigations can be established support the proposed change in policy. It is strongly recommended that council avoid any ‘scope creep’ as this invariably leads to a protracted period of investigations, increasing the likelihood of the DPA exceeding agreed timeframes.

The key reasons for the DPA should be clearly and concisely expressed in a way that is understood and supported by the Department, the Minister and the subject council. This section will provide critical introductory information for the Minister to have an understanding of the circumstances which have lead the council to seek this DPA.

2.1.2 Affected Area

The area or areas to be affected by the DPA should be clearly identified in the SOI. This is best done using a map or maps, although it is recognised that mapping an entire council area or zone which includes a number of discrete areas may be difficult. In cases where a map is not easily sourced, a detailed description of the area(s) to be affected by the proposed DPA should be provided.

2.1.3 Potential Issues

It is important that council identify any known and potential issues to the future development of the affected land prior to the initiation of the DPA. This will assist in determining whether the form of development anticipated by the proposed DPA is feasible.

These issues should be identified up-front so that the Department and the Minister will have better understanding of what investigations (to be identified section 4.1) are necessary to support the DPA and whether or not these issues might result in delays to the DPA process.

Should it be found that the land cannot accommodate the form of development anticipated; the DPA should not be initiated.

A note on strategy

Given the imperative to develop policy required to implement the South Australian Government's Strategic Plan and the Planning Strategy, the Department has determined to prioritise DPAs on the basis of the extent to which they will deliver the policies and targets expressed in one or more of the following:

- The relevant volume of the Planning Strategy
- Council’s Strategic Directions (Section 30) Report
- Structure Plan
Any other council document that formally identifies key strategies that council has agreed to implement

If the proposed DPA is primarily focused on delivering the policies and targets expressed in the above documents, it will be deemed to be a ‘Strategic DPA’ and will be prioritised as a result.

If the proposed DPA is not aimed at delivering the policies and targets expressed in the above documents, it will be deemed to be a ‘Standard DPA’ and will not be accorded the same priority as a Strategic DPA.

It is acknowledged, however, that many regional councils have yet to formalise a strategic document on which to base a DPA. In such cases, council will need to clearly elaborate the reasons for initiating a DPA, how it might facilitate sustainable development of the affected area and how it might contribute to the implementation of key local and/or regional objectives endorsed by the subject council. If the Minister agrees that these local/regional objectives have strategic merit, the DPA will be deemed ‘Strategic’ and prioritised accordingly.

It is also acknowledged that councils may wish to initiate a DPA in response to external strategic imperatives sourced from Commonwealth programs, Natural Resource Management Boards and other State agencies. In such cases, the same criteria will apply in that i) council will need to demonstrate how the proposed DPA will assist in implementing key local and/or regional objectives, and ii) the Minister will need to agree that these objectives have strategic merit in order for the DPA to be deemed ‘strategic’ and prioritised as a result.
3. Strategic and Policy Considerations

3.1 The Planning Strategy

This section is intended to specify the targets and policies within the Planning Strategy that the DPA will support. This information should be presented in tabular form (refer to sections 3.1.1 and 3.1.2 of the SOI template) with a brief description of how each specified target and policy will be delivered through the DPA.

The following examples indicate how this section of the SOI might be filled in for:

1. the Greater Adelaide region where both targets and policies are expressed in the 30-Year Plan for Greater Adelaide
2. the Far North region where policies only are expressed in the Far North Region Plan.

3.1.1 Example for the Greater Adelaide Region:

**Targets**

<table>
<thead>
<tr>
<th>Target</th>
<th>How the target will be implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide for an additional 560,000 people over 30 years.</td>
<td>The proposed DPA will facilitate the development of medium density housing to accommodate an additional 2,500 residents on the subject land to achieve dwelling densities of around 25 dwellings per hectare.</td>
</tr>
</tbody>
</table>

**Policies**

<table>
<thead>
<tr>
<th>Policy</th>
<th>How the policy will be implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrate a mixture of competitive housing styles, types, sizes and densities into the wider housing market, including medium-density low-rise and attached dwellings.</td>
<td>The proposed DPA will rezone the subject land to facilitate the development of a diverse range of housing types, sizes, styles and densities rather than solely detached dwellings on single allotments as is currently the case.</td>
</tr>
</tbody>
</table>

3.1.2 Example for the Far North Adelaide Region Plan:

**Targets**

The Far North Region Plan is the relevant Planning Strategy for the affected area. There are no relevant targets in this plan.
Policies

<table>
<thead>
<tr>
<th>Policy</th>
<th>How the policy will be implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Far North Region Plan</strong></td>
<td></td>
</tr>
<tr>
<td><em>Ensure an adequate supply of appropriately located industrial land to provide opportunities for small-scale and local industries in towns where there is sufficient demand and where such developments would support the desired town character.</em></td>
<td>The proposed DPA will rezone land located close to existing key transport links for small to medium sized industries providing employment for the local population.</td>
</tr>
</tbody>
</table>

SOIs have tended to present an expansive and overly detailed account of all relevant policies that the DPA is envisaged to address. Such accounts shift attention away from the key reasons for undertaking the proposed DPA and, in so doing, lead to protracted investigation of peripheral issues that add little value to the DPA process. This situation often causes significant delays with agreed timeframes exceeded as a result.

The new SOI format has been purposefully designed to emphasise the key policies and targets that underpin the proposed DPA in order to avoid unnecessary investigations and ensuing delays to the process.

### 3.2 Council Policies

#### 3.2.1 Council’s Strategic Directions (Section 30) Report

This section is intended to identify, in dot point format, any recommendations within council’s Strategic Directions (Section 30) Report that the DPA will address. This information will assist in determining the strategic basis of the proposed DPA.

#### 3.2.2 Infrastructure Planning

This section should, were relevant, identify any infrastructure planning which is affected or supported by the DPA. This is critical for those DPAs which are reliant on major infrastructure upgrades and will help the Department to inform the Government Planning and Coordination Committee.

#### 3.2.3 Other Policies or Local Issues

This purpose of this section is to confirm that the policies contained within the proposed DPA will be consistent with the following policy instruments:

- The council-wide section of council Development Plan
- Council’s current DPAs
- The Development Plans of adjoining areas
- Schedule 4 of the Regulations.

Council must also turn is mind to the relevant policy instruments and identify how, if at all they might relate to the DPA.

With respect to Schedule 4 of the Regulations, it is important to indicate whether the proposed DPA is likely to require any change to areas currently gazetted for application of the Residential Code.
Should any change to gazetted areas be required, a brief explanation of and justification for the change should be provided in the SOI.

### 3.3 Minister’s policies

#### 3.3.1 Planning Policy Library

Any Planning Policy Library Modules that are likely to be used in the proposed DPA should be identified in this section. It is expected that council will update the Development Plan to the latest version of the Planning Policy Library when using these modules. Contact should be made with the Department to discuss how this might occur.

Should council anticipate some form of local addition/variation of these policies, a brief explanation of and justification for this should be provided in the SOI together with a statement confirming that these policies will only be changed in a way that ensures consistency with the Planning Strategy.

**A note on Overlay Modules**

Version 6 of the Planning Policy Library introduced the following additional overlay modules:

- Affordable Housing Overlay
- Noise and Air Emissions Overlay
- Strategic Transport Routes Overlay

Overlays contain policy that is specific to a topic and will only apply to ‘designated areas’ identified by Development Plan mapping.

If it is Council’s intention to introduce an overlay module and associated mapping this should be clearly identified within the SOI. In some instances, such as Noise and Air Emissions, overlay policy is supported by additional legislation requiring certain matters to be considered as part of the building rules assessment.

Technical information sheets about the three overlays and their use are available on the Planning Policy Library website.

#### 3.3.2 Existing Ministerial Policies (Section 25(5), 26 and 29)

In some cases, council may seek to amend policy that was originally introduced by a Minister through either section 25(5), 26 or 29 of the Act. In this instance it is necessary to provide reasonable justification for this to occur, preferably supported by the provisions of the Planning Strategy.

If council is seeking to amend Ministerial policies they should specifically be identified under this heading. An historical list of Ministerial DPAs can be found through the Planning Practitioners website.

#### 3.3.3 Ministerial DPAs

It is important that a proposed DPA does not contradict, repeat or create ambiguity with the policies proposed to be introduced by other active Ministerial DPAs. A list of Ministerial DPAs relevant to the Council area should be identified under this heading.
4. Investigations and Consultation

4.1 Investigations

This section is intended to identify those investigations that have either been completed prior to the preparation of the SOI (section 4.1.1 of the SOI template) or those that will need to be undertaken (section 4.1.2 of the SOI template) in order to properly inform the proposed DPA.

In specifying these investigations, it is imperative that any investigative work is clearly directed to addressing the scope of the DPA, including any potential issues with the subject land that are not addressed through the Planning Policy Library Modules envisaged to be deployed in the DPA. Undertaking investigations that fall outside the scope of the DPA should be avoided, as this will increase the likelihood of the DPA exceeding agreed timeframes.

While the difficulties of containing the level of investigations needed to prepare a DPA is acknowledged, councils are nonetheless encouraged to draw on the following prior to initiating any formal investigations:

▪ Investigative work regularly undertaken as part of council’s core business (eg demographic analysis, community profiles, etc)
▪ Investigative work undertaken to prepare council’s Strategic Directions (Section 30) Report
▪ Investigative work undertaken to inform the relevant volume of the Planning Strategy and/or Structure Plan
▪ Investigative work undertaken by the Department to inform the development of the Planning Policy Library Modules
▪ Investigative work required to address issues not covered by the Planning Policy Library Modules to be used in the DPA.

The outcomes of these investigations should provide a sound foundation for the work required to complete the proposed DPA. Additional investigations specified by council will need to be carefully managed in order to avoid ‘scope creep’ and adhere to agreed timeframes.

Council should also be mindful of the need to draw a clear and logical link between the investigations undertaken, the conclusions drawn and the resultant policy amendments proposed.

Further, where council is requiring separate reports (e.g. transport studies, native vegetation surveys, site contamination reports etc) to inform its investigations, these reports should be forwarded, with the DPA, to the relevant government department or agency immediately at the time of consultation. This will allow agencies to be properly informed and to enable considered response during the allotted consultation period. In some instances there may be benefit in providing these reports prior to consultation so that key issues can be resolved before the DPA is released publicly.

4.2 Consultation

Section 4.2 requires councils to identify which agencies, State members, interested parties and individuals will be consulted to provide input into the proposed DPA and/or those who will be consulted during the formal consultation stage. It is also necessary in this section to identify how the public will be notified about the DPA.

While consultation with the public through a public meeting and exhibition of the draft DPA is a statutory requirement of the DPA process, councils are encouraged to implement additional engagement mechanisms to consult with and inform interested parties and members of the public about the DPA.
At the very least, council should ensure that DPA document can be easily accessed (both during the consultation period and between the consultation period and the Public Meeting) and that members of the public are clearly informed about how to make a submission as well as the times, location and format in which copies of submissions will be made available.
5. Proposed DPA Process

5.1 DPA Process

In this section, council needs to identify which DPA process it intends to follow and provide rational why it has selected this process. A check box arrangement for selecting the relevant process has been set up in the template. Double click over the check box to select one of the four options.

5.2 Interim Operation (Optional)

The purpose of interim operation is to ensure orderly and proper development where a change to a Development Plan is proposed.

The Act makes provision for a DPA to be brought into operation on an interim basis, with the following limitations:

- Interim operation cannot take effect before the DPA is placed on public consultation
- Interim operation cannot last for more than 12 months and cannot be renewed without restarting the public consultation stage.

Interim operation gives effect to all the policy changes proposed by a DPA and not just parts of it. Accordingly, council should not seek interim operation of a DPA if it includes particular issues that do not warrant interim operation. Council should consult with Department staff if it is unsure about the merits of placing a DPA on interim operation.

The DPA process that follows the application of interim operation needs to be run efficiently and quickly. It is recommended that the approval package be lodged well in advance of the expiry date to ensure that the policy change can be brought into formal effect (as appropriate) before the 12 months is complete.

Interim operation can attract considerable community reaction if it is perceived to have been used unfairly or inappropriately.
6. Professional Advice and Document Production

6.1 Professional Advice

The person(s) providing professional advice to council on the proposed DPA should be identified in this section of the SOI. The person must not be a company and must satisfy the requirements of regulation 86 of the Regulations. If this person providing advice is not yet known, then this should be made clear under this heading.

6.2 Document Production

This section provides agreement on the format of the DPA. It is a requirement of the Regulations that the SOI describe how the amendments will be shown in the DPA. This is covered by referring to the Department’s Technical Guide to Development Plan Amendments.

6.3 Mapping

This section provides agreement on the how mapping amendments will be undertaken and will identify who will be responsible for providing the mapping to the Department. This is one of the requirements of the Regulations.
7. Proposed DPA Timetable

Council needs to select and update a timetable based on the proposed DPA Process identified in section 5.1.

Council should note that the Minister can lapse the DPA if key timeframes are not met by council pursuant to section 25(19) of the Act. It is important therefore that council takes reasonable steps to update this timetable if it appears at any stage that council will require an extension to complete a task.