

ANNUAL REPORT
2016–17

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
2016-17

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 2016 to 30 June 2017.

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 John Rau MP
Deputy Premier
Minister for Planning

November 2017

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* and *Development Regulations 2008*
- The Planning Strategy for South Australia
- Development Plans for each 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* and Regulations
- State Planning Policies
- Regional Plans
- Planning & Design Code

Legislation

The existing *Development Act 1993* and associated *Development Regulations 2008* will be replaced over time by the *Planning, Development and Infrastructure Act 2016* which received approval by the Governor on 21 April 2016.

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

This will include 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 current Development Act 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 a development plan for areas not located within local government boundaries.

Development plans contain the zones, maps and written policies that help determine what development can and cannot be done on any piece of land within the area covered by the development plan.

Building Rules

The Building Rules include the Regulations, the Building Code and Minister's Specifications and prescribe the technical requirements that apply to building work.

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*

The Building Code contains technical provisions for the design and construction of buildings and other structures and 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 farm buildings, essential safety provisions and buildings in bushfire prone areas.

Changes to the planning framework in 2016-17

Legislative changes

Amendments to the *Development Act 1993*

There were no changes to the Act in the 2016-17 financial year:

Amendments to the *Development Regulations 2008*

The following changes to the Regulations commenced operation in the 2016-17 financial year:

Name	Purpose	Gazettal	Commencement
<i>Development (Fees) Variation Regulations 2016</i>	To implement annual fee increases in accordance with Consumer Price Index increases.	23.6.2016 p 2274	1.7.2016
<i>Development (Open Space Contribution Scheme) Variation Regulations 2016</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.	23.6.2016 p 2426	1.7.2016
<i>Development (SA Motorsport Park) Variation Regulations 2016</i>	To exempt development in the SA Motorsport Park approved by the State Coordinator General from requiring development plan consent.	28.4.2016 p 1323	28.8.2016
<i>Development (Diplomatic Missions) Variation Regulations 2016</i>	To exempt diplomatic mission developments approved by the State Coordinator General from requiring development plan consent and make the Development Assessment Commission the relevant authority for such developments.	15.9.2016 p 3746	15.9.2016
<i>Development (Residential Code) Variation Regulations 2016</i>	To resolve interpretation issues and clarify roles and responsibilities in relation to the operation of the Residential Code.	8.12.2016 p 4906	8.12.2016

Name	Purpose	Gazettal	Commencement
<i>Development (Low Impact Entertainment) Variation Regulations 2017</i>	To clarify that the provision of low impact entertainment activities in existing premises is not development.	27.1.2017 p 202	27.1.2017
<i>Development (Miscellaneous) Variation Regulations 2017</i>	To clarify a number of miscellaneous matters relating to acts and activities that are not development, public notification and development application referral requirements, decisions by the Development Assessment Commission and State agency development exempt from approval.	27.1.2017 p 205	27.1.2017
<i>Development (Electricity Generators) Variation Regulations 2017</i>	To ensure that development applications for electricity generating plants exceeding 5MW generating capacity include certification from the Office of the Technical Regulator in relation to the security and stability of the State's power system and to make the Development Assessment Commission the relevant authority where such applications are lodged under Part 4, Division 1 of the <i>Development Act 1993</i> .	23.5.2017 p 1727	23.5.2017

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* maps out changes that will support economic development and unlock investment, with a renewed focus on making Adelaide even more liveable, competitive and sustainable.

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 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 undertook an active program of local government and industry engagement, which substantially influenced the direction of the updated plan for Greater Adelaide.

Changes to Development Plans

Introduction

The Development Act provides that each council is responsible for amending the development plan for its area to reflect any changes to the Planning Strategy. The Minister can also amend development plans to address issues of state significance.

Amendments

Development Plan amendment activity for 2014-15 to 2016-17:

Development Plan amendment activity	2014-15	2015-16	2016-17
Statements of intent agreed between councils and the Minister	24	15	19
DPA's from councils approved by the Minister	35	24	26
Mean time for approved DPA's (months)	40	34	32
Median time for approved DPA's (months)	38	25	24
DPA's initiated by the Minister	3	1	6
DPA's initiated and approved by the Minister	4	8	2
Mean time for approval of DPA's initiated by the Minister (months)	23	13	18
Median time for approval of DPA's initiated by the Minister (months)	25	10	18

Source: DPTI Statutory Planning

Development Plan review

Currently, Section 30 of the *Development Act 1993* requires councils to undertake a review of policies contained in Development Plans that relate to their area 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 in the Planning Strategy.

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

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

The results of the review are expected to be received by the Department of Planning, Transport and Infrastructure in December 2018, following which further work will be undertaken to distil consistent feedback on issues requiring more detailed consideration in the development and preparation of the Planning and Design Code.

Changes to the Building Rules

Amendments to the Development Regulations 2008 were delivered in September 2017 that encouraged the revitalization of vacant and aging existing buildings with:

- an amendment to Schedule 1a to remove the requirement for development plan consent for internal building work (including demolition) for non-heritage building development within the City of Adelaide. This aligned the requirements in the City of Adelaide with those in the rest of South Australia.
- the adoption of *Minister's Specification SA: Upgrading health and safety in existing buildings* which set standard upgrade requirements for older buildings, providing consistency and certainty across the development sector.

The Specification was developed in conjunction with two working groups that included technical consultants and representatives from several industry bodies. It was developed to help provide a level playing field when upgrading an existing building as previously there was a wide variation in the extent of upgrade work required.

Upgrades to an existing building are triggered where a building has been identified as unsafe, structurally unsound or in an unhealthy condition or when changing the classification of a building.

The Specification requires compliance with 24 performance standards and provides a range of acceptable construction solutions.

The Specification was adopted on 9 September 2017.

Changes to the Building Code of Australia

The National Construction 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 National Construction Code moved to a three-yearly amendment cycle, therefore the next edition is not scheduled for adoption until 1 May 2019. In the meantime, a number of proposals for changing the Code in 2019 which have been submitted to the Australian Building Codes Board, have now been considered and reviewed by the Building Codes Committee during 2016-2017 in preparation for the next amendment.

In addition to proposals for change, the Australian Building Codes Board office has been progressing further work on the quantification of the National Construction Code's performance requirements and a holistic review of the Code's fire safety provisions, [scheduled for adoption in March 2018](#).

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 development assessment panels; state government agencies involved in consultation and referrals; the Development Assessment Commission; private certifiers; and the Environment, Resources and Development Court.

The table below summarises the number of councils who have responded to the quarterly survey over the past 2 years. It also shows the number of councils who responded in each of the 4 quarters.

Council Returns by Quarter (out of 68)

2015-16

Q1	Q2	Q3	Q4	All 4 Qtrs*
55	55	55	56	55

Source: DPTI Planning System Indicator database

2016-17

Q1	Q2	Q3	Q4	All 4 Qtrs*
55	57	56	55	55

Source: DPTI Planning System Indicator database

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

Note: 55 councils responded in all 8 quarters between 2015-16 and 2016-17

Over the past 2 years, 55 of the 68 councils have provided data in each quarter. 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 2015-16 and 2016-17, as an indicator of relative performance of the planning system.

Development plan consents

Development applications lodged, approved or refused:

2015-16

Development plan category	Lodged	Approved	Refused
Schedule 4 complying (includes Res Code)	2 231	2 140	3
Merit	20 476	17 289	355
Non-complying	250	253	29
Total	22 957	19 682	387

Source: DPTI Planning System Indicator database

2016-17

Development plan category	Lodged	Approved	Refused
Schedule 4 complying (includes Res Code)	2 082	1 920	11
Merit	19 875	16 835	284
Non-complying	233	146	32
Total	22 190	18 901	327

Source: DPTI Planning System Indicator database

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

2015-16

Development plan category	Q1	Q2	Q3	Q4
Schedule 4 complying	8.0	8.0	8.0	8.0
Schedule 4 Res Code complying	7.0	7.5	9.0	8.0
Category 1 merit	18.0	17.0	16.0	18.0
Category 2 merit	42.0	42.0	46.5	37.0
Category 3 merit	50.5	48.0	48.0	65.0

Source: DPTI Planning System Indicator database

2016-17

Development plan category	Q1	Q2	Q3	Q4
Schedule 4 complying	7.0	8.0	9.0	13.0
Schedule 4 Res Code complying	6.0	9.0	8.0	8.0
Category 1 merit	14.5	15.0	17.5	19.0
Category 2 merit	36.5	50.0	35.5	42.0
Category 3 merit	45.0	50.0	54.0	42.0

Source: DPTI Planning System Indicator database

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

Information received	2015-16	2016-17
Within 30 days	13 823	12 593
Beyond 30 days	5 720	5 180
Total	19 543	17 773

Source: DPTI Planning System Indicator database

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

Category	2015-16	2016-17
Category 1	21 020	19 300
Category 2	1 726	1 605
Category 3	486	496
Total	23 232	21 401

Source: DPTI Planning System Indicator database

Planning consents issued by each type of relevant authority:

Relevant authority	2015-16	2016-17
Development Assessment Commission	639	720
Regional Development Assessment Panel	143	179
Officer of the authority under delegation	25 771	25 004
Total	26 553	25 903

Source: DPTI Planning System Indicator database

Building rules consents

Building rules consent applications lodged, approved or refused:

Consents	2015-16	2016-17
Lodged	32 316	31 672
Approved	33 297	31 589
Refused	116	120

Source: DPTI Planning System Indicator database

Note: Only Councils and Private Certifiers who responded in all eight quarters in 2014-15 and 2015-16 are included

Schedule 1A building rules consent-only applications assessed:

Application type assessed	2015-16	2016-17
Schedule 1A building rules consent only	5 629	5 316

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):

2015-16

Application type assessed	Q1	Q2	Q3	Q4
Schedule 1A building rules consent only	6.0	7.0	5.0	6.0

Source: DPTI Planning System Indicator database

2016-17

Application type assessed	Q1	Q2	Q3	Q4
Schedule 1A building rules consent only	5.0	6.0	6.0	7.0

Source: DPTI Planning System Indicator database

Referrals

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

Referral item	2015-16	2016-17
Total number of referrals received	1 676	1 706
Total number of referrals responded to within the statutory timeframe	1 508	1 501
Total number of referrals responded to outside the statutory timeframe	120	130
Number of requests for further information that were made	249	252
Number of applicant responses that were received	235	189
Number of non statutory referrals received	157	143

Source: DPTI Planning System Indicator database

Note: Only Referral Agents who responded in all eight quarters in 2014-15 and 2015-16 are included

Appeals

Appeal process	2015-16	2016-17
Applicant appeals:		
Appeals lodged with the Environment, Resources and Development Court	130	141
Appeals resolved without the need for a hearing	117	121
Appeals that resulted in the confirmation of a decision	6	5
Appeals that resulted in the variation of a decision	5	0
Appeals that resulted in the reversal of a decision	4	0
Third party appeals:		
Appeals lodged with the Environment, Resources and Development Court	59	64
Appeals resolved without the need for a hearing	31	12
Appeals that resulted in the confirmation of a decision	3	2
Appeals that resulted in the variation of a decision	1	0
Appeals that resulted in the reversal of a decision	3	0

Source: DPTI Planning System Indicator database

Land division approvals

Land divisions for which a certificate of approval has been issued by the Development Assessment Commission:

Land division	2015-16	2016-17
Certificate of approval issued	3 117	3 092

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. The Development Act requires developers to provide open space at the time of land division or to make a payment into the fund.

In 2016-17 the fund provided \$25.8 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 2016-17, the program provided \$21.5 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 2016-17, the program provided \$4.3 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 2017

Recipient	Project	Grant (\$)
Grants to Local Government		
City of Adelaide	Soccer (Park 24)	\$3,500,000
City of Adelaide	Netball (Park 22)	\$3,200,000
City of Adelaide	ACC Parklands - Park 25	\$3,150,000
City of Port Adelaide Enfield	Kilburn Blair Athol - Public Realm	\$3,000,000
City of Charles Sturt	Coast Park - Grange to Semaphore Park - Stage 2	\$1,250,000
City of Norwood, Payneham & St Peters	Felixstow Reserve Redevelopment	\$1,000,000
District Council of Loxton Waikerie	Waikerie CBD Revitalisation - Stage 1	\$600,000
District Council of Grant	The Waterfront - Port MacDonnell Foreshore Stage 1	\$585,000
City of Onkaparinga	Sturt River Linear Park - Stage 3	\$565,850
Light Regional Council	Kapunda Town Square	\$510,000
Berri Barmera Council	Vietnam Veterans War Memorial and Civic Space Redevelopment	\$494,551
Port Pirie Regional Council	Port Pirie - CBD Upgrade - City Park	\$446,010
Mid Murray Council	Mary Ann Reserve - Stage 1	\$385,500
City of Marion	Oaklands Recreation Plaza Stage 2 and Southern Landscape	\$302,255
Mount Barker District Council	Gawler Street Plaza and Entry Statement	\$297,000
Northern Areas Council	Laura Streetscape Redevelopment - Herbert Street East	\$230,000
Whyalla City Council	Open Space Enhancement Project	\$220,997
City of Victor Harbor	George T Fisher Playground	\$220,000
Roxby Downs Council	Emu Walk and Hermit Street Playground	\$200,500
City of Prospect	Prospect North Park Lands Detailed Design	\$200,000
City of Adelaide	Park Lands Planning and Design (ACC)	\$200,000
Yorke Peninsula Council	Point Turton Natural Playspace and Bike Track Upgrade	\$157,260
City of Prospect	Cinema Precinct (Implementation)	\$145,000
District Council of Mount Remarkable	Booleroo Centre Parklands - Stage 2	\$101,000
District Council of Tumby Bay	Port Neill Foreshore Upgrade - Stage 1	\$100,646
Kangaroo Island Council	Kingscote to Brownlow Walking Trail Stage 4	\$75,000
District Council of Cleve	Cleve - Yeldulknie Weir Walking and Cycling Trail	\$75,000
City of Campbelltown	Fourth Creek Trail Improvements	\$67,000
Kingston District Council	South East Main Street Stimulus	\$50,000
District Council of Streaky Bay	Haslam - Doc Woods Reserve Renewal	\$41,650
Barossa Council	Bushgardens Precinct	\$36,500
Naracoorte Lucindale Council	Nature Play Development - Memorial Parklands	\$35,000
Yorke Peninsula Council	Linking Precincts Minlaton	\$26,000

Recipient	Project	Grant (\$)
Renmark Paringa Council	Darnley Taylor Park Masterplan	\$15,000
		\$21,482,719
Total		\$21,482,719
Other public space and planning projects		
Renewal SA	Riverbank	\$2,000,000
Department of Planning, Transport and Infrastructure	Implementation of 30 Year Plan	\$1,000,000
Department of Environment, Water and Natural Resources	DPTI Land Management Program	\$760,000
Department of Environment, Water and Natural Resources	Tennyson Coast Park Design	\$285,000
Outback Communities Authority	Outback Community Park project	\$136,989
Department of Environment, Water and Natural Resources	Green Infrastructure Project	\$110,000
TOTAL		\$4,291,989
TOTAL PAYMENTS FROM THE FUND		\$25,774,708

Source: DPTI Planning System Indicator database

For further information

Email: DPTI.PDPlanninginformation@sa.gov.au

Disclaimer

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