

**INQUIRY INTO NEW SOUTH WALES PLANNING  
FRAMEWORK**

**Organisation:** Government of South Australia  
**Name:** Hon Paul Holloway  
**Position:** Minister for Urban Development and Planning  
**Telephone:** (08) 8303 2500  
**Date received:** 15/01/2009

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**The Hon Paul Holloway MLC**  
**Leader of the Government in the Legislative Council**

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**Government  
of South Australia**

**RECEIVED**

**15 JAN 2009**

Date:

12/1/09

The Director  
 Standing Committee on State Development  
 Legislative Council  
 Parliament House  
 Macquarie Street  
 SYDNEY NSW 2000

**Minister for Mineral  
Resources Development**  
**Minister for Urban  
Development and Planning**  
**Minister for Small Business**

Level 9, Terrace Towers  
 178 North Terrace  
 Adelaide SA 5000

GPO Box 2832  
 Adelaide SA 5001  
 DX 451

Tel 08 8303 2500  
 Fax 08 8303 2597  
 Int 61 8 8303 2500  
 ministerholloway@saugov.sa.gov.au

Dear Sir/Madam

I refer to the letter dated 25 August 2008 and attached Terms of Reference from the Hon Tony Catanzariti MLC to the Hon Patrick Conlon MP, Minister for Infrastructure, Government of South Australia, concerning planning frameworks in response to international and national trends in planning. Mr Conlon has forwarded the correspondence to me, as Minister for Urban Development and Planning, as the matter lies within my portfolio responsibility.

South Australia has recently embarked on a major reform of planning which is focussed on two main areas, Strategic Planning and Streamlining Development Assessment. These reforms were recommended by the *Planning and Development Review* and were adopted by State Cabinet in June 2008. Further information on the Review can be found at <http://www.planning.sa.gov.au/go/planningreview>.

In relation to Strategic Planning, new Regional Plans for all areas of the State are being developed, including a new 30-year Plan for Greater Adelaide, to guide the growth and development of the State and the Greater Adelaide Region over the next three decades. The Plan will be developed over the next 12 months and will include directing growth into selected transport corridors and new 'transit oriented developments', as well as providing a guaranteed 25-year supply of broadacre land for structure planned fringe suburban growth. Further information can be found at <http://www.planning.sa.gov.au/index.cfm?objectid=514701AD-F203-0D46-A9E2AF94B39EE95E>.

Streamlining Development Assessment is mainly focused on increasing the level of exempt development, development requiring a Building Rules Consent only and complying development for residential home building matters, from minor improvements through to major extensions and even new dwellings. This will include the introduction of a new Residential Development Code. It is expected that up to 70% of development applications will fall into these categories. A Discussion Draft of the Code was released for consultation and is currently being revised having regard to issues raised in the consultation. The final Code is expected to be released in the near future and will be reviewed on an annual basis. Further information can be found at <http://www.planning.sa.gov.au/index.cfm?objectid=5147B5AA-F203-0D46-A6BBB50349BECE54>.

In addition, I provide the following responses to the Committee's Terms of Reference:-

- a) The South Australian *Development Act 1993* and *Development Regulations 2008* provide useful models for the Committee in its consideration of the need, if any, for further development of the New South Wales planning legislation and the principles that guide such development. These can be found at [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).
- b) I am unable to advise on the implications of the COAG reform agenda for planning in NSW.
- c) Section 52A of *Development Act 1993* provides the avoidance of duplication of procedures by allowing documents produced for the purposes of the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* to be accepted for the purposes of the Development Act, where relevant.
- d) Climate change and natural resources management are pivotal issues and drivers in the planning reforms discussed above.
- e) Competition policy was recently raised by the Business Regulation and Competition Working Group of COAG and, I understand, is the subject of further consideration by the States. South Australia's position is that competition issues should be dealt up front at the strategic planning level, which should then inform the relevant planning policies against which development applications are assessed. Competition issues should not be afforded greater weight over other relevant planning issues in the assessment of development applications. The focus should be on the relationship between competition and the prudent planning and funding of infrastructure to ensure that all elements of an urban area are synchronised to ensure the best value uplift of government assets. In addition, Sections 88A-88C of the Development Act deal with the initiation of proceedings to gain a commercial competitive advantage (i.e. they deal with the abuse of appeal processes against a competitor's development approval to stymie or delay a competitor's development, for commercial gain).
- f) The Development Act provides a referral mechanism for development applications within mapped "airport building height" areas to Commonwealth aviation authorities. While the intention of the referral is to ensure large structures do not impede aircraft movements, other issues such as noise, are often considered. This referral process is currently the subject of review and negotiation between the South Australian Government and relevant Commonwealth agencies to clarify the extent and purpose of development controls adjacent to major airports.
- g) The Development Act integrates planning and building controls into one piece of legislation and, I am advised, has its origins in the amalgamation of the former Planning Act and Building Act. Under the Development Act an application for building work would ordinarily require both a Development Plan Consent (planning approval) and a Building Rules Consent (building approval) to obtain a Development approval that authorises the building work. Applications for a Building Rules Consent must be consistent with the relevant Development Plan Consent and cannot, therefore, be issued prior to the issue of the Development Plan Consent.
- h) As with d) above, housing affordability is another pivotal issue in the planning reforms discussed above.

I trust the above will be of some assistance to the Committee in its deliberations and if you require any further information please do not hesitate to contact Ms Amanda Nicholls, Director Legislation and Best Practice, Department of Planning and Local Government (DPLG), Government of South Australia, on 08 8303 0635.

Yours sincerely

A handwritten signature in blue ink that reads "Paul Holloway". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Paul Holloway**

Leader of the Government in the Legislative Council  
Minister for Mineral Resources Development  
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