



Community Alliance SA Inc

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Community Alliance  
South Australia

Matthew Loader  
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Cc: Hon John Rau MP  
Deputy Premier and Minister for Planning  
Cc: David Whiterod, Manager, Reform and Spatial Planning Analysis  
Department of Planning, Transport and Infrastructure

4<sup>th</sup> October 2013

***Housing and Urban Development (Administrative Arrangements)  
(Urban Renewal) Amendment Bill 2013***

Dear Mr Loader,

Thank you for your time in meeting with us on 18<sup>th</sup> September to brief us on the Government's amendments to the abovementioned Bill, and for sending us a copy of the finalised amendments on 25<sup>th</sup> September.

Planning Minister John Rau has acknowledged that planning in South Australia is flawed and in serious need of review. The Expert Panel on Planning Reform is currently carrying out this review, which we trust and hope will be a genuine and thorough process that results in a better planning system.

However, it is hard to believe the Minister's intentions are genuine, when they are made a mockery of by the introduction of this significant new planning legislation while the review process is underway.

Along with the major Development Plan Amendments (DPAs) based on the 30 Year Plan, the implementation of this Bill will add to the massive amount of development already planned for Greater Adelaide. This development is not based on integrated planning and so fails to address critical issues such as transport planning, infrastructure provision and the environment. It also fails to adequately accommodate community views and input.

Even if a new and fairer planning system is put in place in the near future, the current decisions allowing development to go ahead will not be reversible. It will be simply too late. Any new planning system will have the difficult task of retro-fitting for badly planned development.

We would like to add that the lack of public consultation on this very significant planning Bill, and the poor consultation offered to local councils, merely add to the public perception that major planning decisions are made without community input.

The Community Alliance SA remains opposed to the Urban Renewal Amendment Bill and its intended use as a significantly different and new way of carrying out planning and development in designated areas. This Bill is very unpopular among communities at large and putting it on hold, pending the outcome of the planning review process, would restore some faith in the process.

Yours sincerely,

**Tom Matthews**

President

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**Dr Helen Wilmore**

Secretary

Phone: 8522 3019



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Mr Tom Matthews  
President  
Community Alliance SA  
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GOODWOOD SA 5034

Dear Mr Matthews

**Housing and Urban Development (Administrative Arrangements) (Urban Renewal) Amendment Bill 2013**

Thank you for your letter of 30 August 2013 regarding the Urban Renewal Bill. I have reviewed your comments and the suggested amendments. In the main I believe the majority of your concerns are already met by provisions in the Bill or the Minister has indicated in debate on the Bill that he is considering amendments of the nature you have suggested.

The attached table outlines the Department's position on these suggested amendments. I can assure you that these suggestions will be discussed with the Minister before debate commences in the Legislative Council on the Bill.

Should you have any other matters you wish to discuss in relation to the Bill please contact me on 8303 0761.

Yours sincerely

Matthew Loader  
**GENERAL MANAGER**  
**PLANNING REFORM, RESEARCH AND ANALYSIS**  
**PLANNING DIVISION**

4/9/2013

Community alliance SA recommended amendments	DPTI Response
<i>The establishment of precincts must be restricted to the objective of urban renewal.</i>	<p>These concerns are already addressed. Section 7H (1) of the Bill specifies the purposes for which a precinct can be declared by the Minister. The provisions of the Bill are similar to those in Western Australia's urban renewal legislation (see s29 of the <i>Metropolitan Redevelopment Authority Act 2011</i>).</p> <p>To ensure there is appropriate oversight of these powers Minister Rau stated in debate on the Bill that he will consider changes to the bill "which would ensure each stage of the precinct planning process is reported to the parliament's standing Environment, Resources and Development Committee and the ability for that committee to recommend alterations to a precinct master plan or, if necessary, disallowance on a similar basis to a development plan amendment".</p>
<i>Before a precinct area is established, residents within the area of the proposed precinct and immediately adjacent to it must be directly notified and consulted with.</i>	<p>Minister Rau indicated in debate that he would consider the LGAs' suggestion that a business case be prepared to support a precinct application and consider how this could be reflected in the legislation. Should a business case be required consultation with residents would be prescribed as one of the matters a business case must address.</p>
<i>Before a precinct area is established, the Minister must be required to consult with the Development Assessment Commission, with the DAC report to be made available to the public.</i>	<p>In debate Minister Rau indicated he is considering amendments to specify a requirement to consult other than in prescribed circumstances.</p> <p>The Bill specifies [7H (8) (b)] that the DAC report is to be publicly available.</p>
<i>There should be measures in place to limit the powers and functions of the Precinct Authority and to ensure a continued and appropriate involvement by the relevant council.</i>	<p>A precinct authorities power is addressed through section 7H of the bill. The involvement of affected Councils is specifically provided for in 7H (2) (a) (ii) of the Bill.</p> <p>As stated above the Minister indicated in parliamentary debate that he was considering amendments to provide greater parliamentary oversight through the Environment, Resources and Development Committee.</p> <p>Section 7K provides for a precinct authority, if authorised by the Governor by regulation, to exercise specified statutory powers. All regulations are subject to disallowance by the Legislative Review Committee of Parliament. In addition 7K (3) requires the Minister to prepare a report for each House of Parliament on a regulation made under this section.</p>



<p><i>The Precinct Authority must be required to set up Community Reference and Design Review Panels early on in the process. A Community Reference Panel must be representative of local residents and other community stakeholders.</i></p>	<p>The bill sets up the ability for advisory panels to be established as part of the precinct authority establishment process.</p> <p>As stated above the Minister indicated in parliamentary debate that he was considering amendments to specify that consultation requirements will be subject to regulation rather than ministerial discretion.</p>
<p><i>In addition to a Community Reference Panel, a robust system must be in place to ensure that precinct plans are developed through a genuine community and stakeholder engagement process which is in place early on and at all stages, and which includes an appeal process.</i></p>	<p>See response to 2<sup>nd</sup> suggested amendment - should Minister Rau move an amendment requiring a business case be prepared to support a precinct application, consultation with residents would be prescribed as one of the matters a business case must address</p> <p>There are no legislated appeal processes provided for in the Bill. Decisions made under the bill provisions would be subject to the same appeal processes that apply to other common law matters. For example all decisions made pursuant to the <i>Development Act 1993</i> can be judicially reviewed. In addition the decisions of a precinct authority are subject to parliamentary oversight at all key stage of the precinct planning process.</p>
<p><i>In addition to a public advertisement (using up to date media resources) all residents within or immediately adjacent to a precinct must be letterboxed in relation to the contents of a proposed plan.</i></p>	<p>This issue would be subject to business case requirements and the level and type of consultation proposed in the request to establish a precinct.</p> <p>Note also not the ability for the Minister to require public consultation / meetings in 7H (10) (b) and 7I (8) (d).</p>
<p><i>Charges for copies of draft and finalized plans should not apply to residents within or adjacent to a precinct. Plans should also be available on an appropriate website.</i></p>	<p>Section 7I (14) of the Bill requires precinct plans to be publicly available. As a matter of practice this always includes on-line publication.</p>
<p><i>Reports prepared by the Authority following consultation must be made publicly available, including by being made available on an appropriate website.</i></p>	<p>These reports are not intended to be publicly available. Section 7I (10) of the Bill requires reports on consultation to be provided to the Minister. This report follows the requirement that precinct master plans are subject to consultation and a public meeting. These requirements mirror those that apply to advice provided to the Minister for Planning in relation to Development Plan Amendments.</p> <p>The Minister has indicated that he is considering amendments to require each stage of the precinct planning process to be reported to the Environment, Resources and Development Committee of Parliament.</p>

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Engaging for Reform



30<sup>th</sup> August 2013

Hon John Rau MP  
Deputy Premier and Minister for Planning  
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PO Box 464  
Adelaide SA 5001

Cc: Andrew McKeegan, Executive Director, Planning Reform and Projects  
David Whiterod, Manager, Reform and Spatial Planning Analysis  
Department of Planning, Transport and Infrastructure

***Housing and Urban Development (Administrative Arrangements)  
(Urban Renewal) Amendment Bill 2013***

Dear Minister,

We would like to give our opinion and express the concerns Community Alliance SA and its members have with the abovementioned Amendment Bill (the URA Bill) in its current form, and its introduction in the absence of a public consultation process.

Firstly, we appreciate that there is no formal requirement for an Amendment Bill such as this to undergo public consultation. However, given its wide-ranging implications, we feel there should have been a thorough public consultation process, with easy-to-understand information on the proposed changes, including an explanation of the need for the Bill, and the opportunity to have an input.

Members of the Community Alliance were lucky in receiving a briefing on the Bill, at our request, from Andrew McKeegan and David Whiterod of DPTI, which only occurred last week.

The concerns raised by our members at the briefing included:

- The considerable reduction of local Government controls on future planning decisions.
- The fact that Development Plans can be over-ridden.
- The amount of power given to the Planning Minister.
- The fact that a 'precinct' could be any size and anywhere.
- The limited requirements for community consultation.
- The question of whether the rating system is fair and how it will operate.

As you can imagine, the community is feeling very disengaged from the whole process leading to this Bill and its passage through Parliament.

We would like to ask whether and to what extent the Planning Department will be implementing the principles in the Government's adopted community engagement strategy, 'Better Together', and would welcome discussions with you and members of your planning staff about this.

Secondly, we would like to refer to your letter to the Community Alliance dated 10<sup>th</sup> July 2013, in which you refer to the Interim Notice Bill and the Public Notification Bill, introduced by Mark Parnell and supported by the Community Alliance. Your letter says that 'given the wide-ranging review of the planning system currently being undertaken by the Expert Panel on Planning Reform', these matters should be referred to the Panel and deferred pending the outcome of the review (with its final report expected Dec 2014)

Given the wide-ranging nature of the changes the URA Bill will make to how planning and development occur in designated areas, we are very surprised at it being introduced while the planning review is being undertaken. We believe it must be put on hold and reviewed as part of a genuine and thorough process that results in a better planning system.

Thirdly, if the Government proceeds with the URA Bill, the Community Alliance believes amendments should be made to it, including but not limited to those we recommend at the end of this letter. In addition, the Community Alliance generally supports the views and suggested amendments of the Environmental Defenders Office, the LGA and the Adelaide City Council on this Bill (EDO letter to Mr Liam Golding 29<sup>th</sup> May 2013; LGA Proposed Amendments Table 21<sup>st</sup> June 2013; Acting Lord Mayor's letter to you 13<sup>th</sup> June 2013).

We apologise for the lateness of this letter in relation to the progress of the Bill, and hope that you will appreciate the difficulties a community organisation such as ours has in responding to such complex matters.

We hope that you are able to address our concerns about these important matters, and look forward to receiving a reply.

Yours sincerely,



**Tom Matthews**

President

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**Dr Helen Wilmore**

Secretary

Phone: 8522 3019

## **RECOMMENDED AMENDMENTS TO THE URA BILL**

### **1. Establishment of precincts**

The URA Bill would allow precincts to be established by the Minister for Urban Renewal to facilitate essentially any type of development, and precincts would not necessarily be restricted to urban areas. In establishing a precinct area, the Minister is only required to consult with the Planning Minister and affected councils. The Minister is not required to but can seek advice from and the Development Assessment Commission (DAC). If the DAC is consulted it must prepare a publicly available report taking into account a range of important criteria.

#### Recommended amendments

- *The establishment of precincts must be restricted to the objective of urban renewal.*
- *Before a precinct area is established, residents within the area of the proposed precinct and immediately adjacent to it must be directly notified and consulted with.*
- *Before a precinct area is established, the Minister must be required to consult with the Development Assessment Commission, with the DAC report to be made available to the public.*

## **2. Precinct Authority**

The Minister will have the discretion to select the Precinct Authority, which can be the Urban Renewal Authority (URA), a council or any other statutory corporation as defined by the Urban Renewal Act. Where the Authority is the URA or a statutory corporation, it would take over many of the council's powers and functions within the precinct.

### Recommended amendments

- *There should be measures in place to limit the powers and functions of the Precinct Authority and to ensure a continued and appropriate involvement by the relevant council.*

## **3. Precinct Master Plans, Precinct Implementation Plans and community engagement**

Precinct Master Plans will contain the principles and policies for achieving the objectives of the precinct, but do not have to have any specific content. They will come into operation once adopted by the Governor and so will undergo some Parliamentary scrutiny. Matters that are provided for in a Development Plan can be covered in Precinct Implementation Plans (PIPs), which will over-ride any existing Development Plan/s and council by-laws to the extent of the inconsistency with the PIP. A PIP can even refer to a small part of a precinct, and takes effect simply by being adopted by the Minister.

The Authority may, and must at the direction of the Minister, establish a Community Reference Panel and a Design Review Panel to provide advice on the development of precinct plans

The Bill requires community consultation on draft plans. Whilst there must be public advertisement of a consultation there is no requirement for individual notification to residents within or adjacent to a proposed precinct. Whilst plans can be inspected without charge, charges will apply for the supply of copies of plans.

Following consultation the precinct authority provides a report on matters arising during the consultation to the Minister and the Planning Minister. There is no requirement that this report be made public.

### Recommended amendments

- *The Precinct Authority must be required to set up Community Reference and Design Review Panels early on in the process. A Community Reference Panel must be representative of local residents and other community stakeholders.*
- *In addition to a Community Reference Panel, a robust system must be in place to ensure that precinct plans are developed through a genuine community and stakeholder engagement process which is in place early on and at all stages, and which includes an appeal process.*
- *In addition to a public advertisement (using up to date media resources) all residents within or immediately adjacent to a precinct must be letterboxed in relation to the contents of a proposed plan.*
- *Charges for copies of draft and finalized plans should not apply to residents within or adjacent to a precinct. Plans should also be available on an appropriate website.*
- *Reports prepared by the Authority following consultation must be made publicly available, including by being made available on an appropriate website.*