



## Truth in Zoning

### Policy Background

The supply of land for housing development is influenced by zoning, subdivision approvals and the operation of the planning 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 delivery process.

Many constraints affecting the supply of land for housing:

- emerge in planning scheme requirements;
- have a layered approach and cumulative effect as they are applied: and
- can quarantine or sterilise land from development at any stage of the process
- can relate to the risk of natural hazards
- are being applied to 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 in many cases the request by authorities to address the constraint is made at an inappropriate stage of development resulting in significant delays and additional costs.

This can result in highly valued residential land being removed from the land supply chain.

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.

HIA calls on Governments to provide greater certainty over when planning constraints are applied to land.

### 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.
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;
  - 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.
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 is HIA's list of constraints that are typically applied in the planning process and the preferred stages that they should be applied in the zoning and development process (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 added to over time. The policy remains in place but as constraints are added, this table may be considered and changed over time. The stages here are intended to mirror the six stages of land development identified by the National Housing Supply Council. For the purposes of this Policy they have been combined where appropriate.

### Stage 1 Designation of Land for Urban Development Zone

The table of constraints below should be addressed prior to designation of land of urban development zone.

<b>Constraints to be identified at "Designation for Urban Development"</b>	
<b>Open space</b>	Open space allocation including major regional open space parks already operational includes State and National Parks
<b>Airports</b>	Location of airports and environs, includes any future airfields
<b>Roads</b>	Freight and major road links
<b>Major Infrastructure</b>	Pipelines for utilities including gas and electricity
<b>Facilities for renewable energy</b>	Any area set aside for wind farms or similar.

### Stage 2 Zoned for Urban Development

The constraints listed below should be addressed 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 may be applied to the land which might also form a constraint e.g. identification of flood prone land, heritage areas, site coverage (density), slip, slope, subsidence and so forth.

<b>Constraints to be Identified when Zoned for Urban Development</b>	
<b>Environment and landscape overlays</b>	Could include environmental significance overlay Vegetation protection overlay Significant landscape overlay
<b>Heritage and built form overlays</b>	Heritage overlay Design and development overlay Incorporated plan overlay Development plan overlay Neighbourhood character overlay
<b>Land management overlays</b>	Erosion management overlay Salinity management overlay Floodway overlay Land subject to inundation overlay Special building overlay Bushfire management overlay State resource overlay
<b>Other overlays</b>	Public acquisition overlay Airport environs overlay Environmental audit overlay Road closure overlay Restructure overlay

<b>Constraints to be Identified when Zoned for Urban Development</b>	
	Development contributions plan overlay Toll Road overlay Parking overlay
<b>Alpine areas</b>	Framework for planning alpine resorts Sustainable development in alpine areas
<b>Biodiversity</b>	Protection of habitat Location of threatened species Native vegetation management
<b>Sea level rise/coastal issues</b>	Protection of coastal areas threat of coastal inundation and erosion
<b>Bushfire</b>	Bushfire planning strategies and principles

### Stage 3 Subdivision Planning Approval

The constraints listed below should be addressed prior to the subdivision approval and creation of lots stage. These constraints are normally addressed through the subdivision application process, whereby relevant studies are undertaken before the issue of a planning approval, and potentially, relevant actions are required to be carried out before the completion of a subdivision.

<b>Constraints to be identified by Subdivision Planning Approval</b>	
<b>Soil degradation</b>	Use of contaminated and potentially contaminated land Erosion and landslip Salinity
<b>Noise and air</b>	Noise abatement, air quality
<b>Water</b>	Wetlands and storm water planning.
<b>Heritage</b>	Heritage conservation Aboriginal cultural heritage
<b>Layout of built environment</b>	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
<b>Location of commercial centres/public transport networks</b>	Principal Public Transport Network Road system Waste and resource recovery
<b>Community infrastructure</b>	Health facilities Education facilities Day Care facilities Recreation facilities

Where the 'subdivision approval' stages occurs after the civil works construction approval (and the required civil works are completed), the constraints in the table above should be identified at Stage 2 (Zoned for Urban Development).

#### Stage 4 Registration of Title

Once lots are registered and sold constraints should only relate to the single site and could include the following:

<b>Constraints that are considered acceptable if applied at single lot stage</b>	
<b>One dwelling on a lot</b>	Planning scheme requirements relating to the individual allotment only and may include: <ul style="list-style-type: none"> <li>• Site layout and building massing</li> <li>• On-site amenity and location of facilities/utilities</li> <li>• Detailed design factors</li> <li>• Single tree removal requirements</li> <li>• Restrictive covenants</li> <li>• Minimum floor levels (for construction in flood prone areas)</li> <li>• Bushfire rating levels (for construction in bushfire prone areas)</li> </ul>
<b>Two or more dwellings on a lot and residential buildings</b>	Planning scheme requirements relating to the creation of more than one house on an allotment and subsequent subdivision may include: <ul style="list-style-type: none"> <li>• Site layout and building massing</li> <li>• On site amenity impacts and facilities</li> <li>• Detailed design factors including private open space</li> <li>• Neighbourhood character considerations</li> <li>• Any common property type infrastructure required as a result of creating more than one allotment including utilities and creation of common property</li> <li>• Single tree removal</li> <li>• Restrictive Covenants</li> <li>• Minimum floor levels (for construction in flood prone areas)</li> <li>• Bushfire rating levels (for construction in bushfire prone areas)</li> </ul>