

# The Governance of Land Use

## Country fact sheet Australia

### The planning system

#### *Levels of government and their responsibilities*

Australia is a federal country divided into six states and two self-governing territories (henceforth included under the term states). Below the state level, 571 municipalities exist. As land use is not explicitly discussed in the constitution, states have most responsibility for land-use planning (based on the principle that powers not assigned to the federal government by the constitution reside with the states). The national government has limited responsibilities related to land-use planning. Most importantly, it can influence land use through environmental regulations. Furthermore, it directly controls land use in selected areas, such as national parks.

Formally, the most powerful actors with respect to land use are the states as they enact the framework legislation that structures the planning system. Each state has created enabling laws that specify how land use is regulated. In practice, states delegate land-use planning to local authorities and municipal plans are the main planning instruments in all states except for the sparsely populated Northern Territory, where a land-use plan for the entire state exists.

*Local Government Authorities* are the most important actors involved in land-use decisions due to the responsibilities that are given to them by the states. They are primarily responsible for drawing up and approving local land-use plans that determine permitted development. Furthermore, they prepare related zoning regulation and can issue other ordinances to influence the built environment within their jurisdictions.

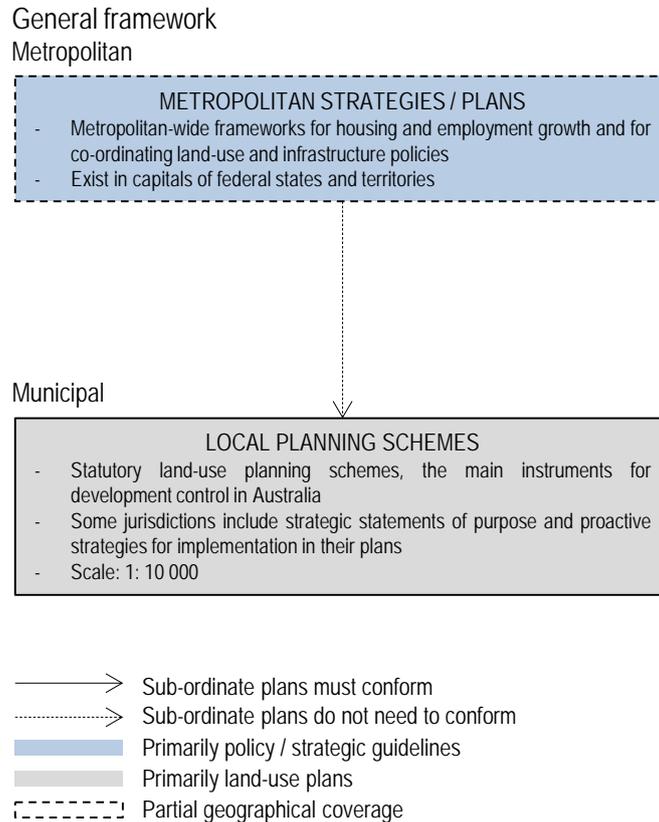
#### *Spatial and land-use plans*

The most important type of plan and the only one that exists across most of Australia are *Local Planning Schemes*. While they differ somewhat from state to state, they generally provide both general objectives for the spatial development of a municipality and detailed descriptions of permitted land use (including regulation on floor space, site setbacks, etc.). While the scale of Local Planning Schemes varies from state to state, it is typically in the range of 1: 10 000.

*Metropolitan Plans* exist in all metropolitan areas in Australia. They provide a metropolitan-wide framework on how to accommodate housing and employment growth, and for co-ordinating land use and infrastructure. They often contain targets for how the projected need for new housing is distributed between the different Local Government Authorities and to identify strategic sites for urban development. Metropolitan plans are not legally binding for Local Government Authorities, but there is a general expectation that they will be given statutory effect (i.e. be implemented)

through Local Planning Schemes. These should, for instance, reflect the expectations of Metropolitan Plans with respect to residential and industrial zoning.

### Organisation of spatial and land-use planning in Australia



In addition to the above-mentioned plans, a number of other plans exist in most Australian states. These are typically *Coastal Management Plans*, *Threatened Species Recovery Plans*, *Development Control Plans* (that guide development at the neighbourhood level) and *Development Contribution Plans* that provide frameworks for the required contributions from developers.

### ***Major laws and regulations***

Most laws and regulations affect land use on the state level. Four relevant types of laws are under the responsibility of states but are common across all of Australia. First, each state has enacted framework legislations that establish the planning system and govern planning processes. Second, environmental protection laws regulate water, noise, air pollution and similar issues at the state level. Third, state laws establish national parks and protect native species. Fourth, heritage laws at the state level protect man-made items of particular value.

### *Co-ordination mechanisms*

On the national level, several national ministerial council and inter-governmental committees exist to co-ordinate land-use related policies in Australia. The *Council of Australian Governments* is comprised of the prime minister, the state premiers, the territory chief ministers and the President of the Australian Local Government Association. It provides both vertical co-ordination between the federal government and the state governments and horizontal co-ordination between different policy fields. Since its creation in 1992, it has addressed important land-use related topics such as water reform and reforms of environmental regulation.

Several other subject-oriented *Ministerial Councils* exist to provide vertical co-ordination between levels of government. Policy areas in which ministerial councils exist include for example local government and planning, environmental protection and heritage, energy and natural resources. They are generally comprised of ministers from the federal and state level and in several instances also include the responsible minister from New Zealand. The *Local Government and Planning Ministers' Council* is furthermore supported by committees made up of senior civil servants from the local level.

On the local level, metropolitan plans are the co-ordinating instrument used by most states. Although they are typically not binding for local governments, it is expected that local governments take them into account when making their own land-use plans. Any further co-ordination on the regional and local level generally occurs on an ad-hoc basis.

### *Expropriations*

Expropriations are possible in Australia for the construction of transport infrastructure and for the establishment of nature reserves. In both cases, compensation has to be paid to expropriated owners.

### *Recent and planned reforms to the system of land-use planning*

As land-use planning is the domain of states, no single date for major recent reforms exists. Dedicated land-use planning and environmental laws started to emerge in the 1970s. Since then, there have been continuous reforms in individual states.