TOWN PLANNING LEGISLATION IN SOUTH AUSTRALIA—A RETROSPECT

In the interval between the passage of the “ S.A. Town Planning and Development Act, 1920,” and my taking up at short notice a fresh sphere of duties in the Federated Malay States, no opportunity has been present to give those interested in the progress of town planning overseas any sketch or outline of recent developments in the Commonwealth of Australia, from the point of view of one closely identified therewith.

Although various discussions had taken place from time to time and recommendations were framed, there was, prior to 1914, no organised effort on a large scale to secure by legislation the application of town planning to Australian towns and cities. In the Foreword of the official volume of the first Australian Town Planning Conference, held at Adelaide during 1917, an outline is given of the principal events which preceded the carrying out of the Australasian Town Planning Tour (a purely public-spirited effort organised from London on behalf of the Garden Cities and Town Planning Association of Great Britain).

From this propagandist activity, maintained for nearly two years throughout Australia and New Zealand, developments followed, and eventually, after the usual difficulties inseparable from the task of the pioneer, the S.A. Department of Town Planning came into existence as a preliminary step towards obtaining legislative sanction from Parliament.

In all the States of the Commonwealth, however, there always have been difficulties in the way of securing support from the various State Parliaments in whom is vested the power to legislate for such purposes. With six separate State legislatures to deal with, each representing different territorial interests in a country very much larger than Europe, the problem of securing organised national effort was undoubtedly one of peculiar difficulty.

Unlike the Dominion Government of Canada, the Commonwealth Authorities, owing to constitutional difficulties, do not intervene in “ domestic questions ” of this order, however much they relate to the nation. Successive efforts to enlist the aid of the national Government in Australia in favour of planning and development, both as regards urban and rural areas, have, in fact, met with but little encouragement. At one time draft proposals for the establishment of a Central Advisory

Bureau of Town Planning and Housing in association with one branch of the Commonwealth Service had been tentatively accepted, and the realisation of a very valuable adjunct to the movement was in sight when the tragic demise of the departmental head concerned led to an indefinite postponement. A later effort to bring about the desired result did not, unfortunately, meet with the same reception.

In the meantime the exigencies of the situation rendered it necessary for those concerned to concentrate efforts upon State Governments through the various Town Planning Associations formed as the result of the Tour. The early developments in South Australia led to the presentation of legislation to the State Parliament in 1916, but, chiefly owing to the war and lack of public understanding or appreciation of the movement, the Bill did not pass both houses. It left behind instead a permanent interest in the subject which made possible the organisation of a first national conference in South Australia. The successful organisation of this and other representative national gatherings, together with the effect of persistent propaganda, eventually won over public opinion and strong local government support, but those engaged in real estate operations (including professional men, councillors, and politicians) were slow to appreciate the advantages of town planning. This was hardly surprising seeing that the extensive and haphazard suburban growths of recent years in all large Australian towns and cities were largely the result of these operations and provided a lucrative form of investment for many people as well as regular occupation for others who did little else. When the economic value of "planning," as opposed to "subdividing," was demonstrated by actual examples, certain land and building operators became strong supporters.

For some years prior to this, however, there had been a standing difference of opinion between the numerous Real Estate developers and the local bodies which, by virtue of earlier legislation, compelled the speculator to provide and make wide and expensive roads in some States before plans would be authorised preliminary to sales. The opportunity provided by the new town planning legislation before Parliament gave the real estate people and their political representatives an opportunity to try and undermine control in these matters by local bodies. Hence, the strong agitation in South Australia (supported by representations from other states) to bring the new legislation (including control of subdivisions) under the direct administration of a Board of professional men, vested with very wide powers, from which Local Bodies were to be excluded.

Under the original S.A. Town Planning and Housing Bill, 1916, the central administrative authority proposed was a joint commission com-

prising three technical experts and local government representatives. At that time the majority of the Councils regarded Town Planning as "a fad" and did not hesitate to publish their opinions accordingly. Strong opposition to the proposed commission was also evinced. When the national conferences and some years of organised propaganda had brought about a clearer understanding of Town Planning practice overseas, the Government originally opposing the 1916 measure came into office and decided in favour of public demands for legislation. The proposed Commission, however, was ruled out in spite of expert advice to the contrary. With the current demand for drastic economy consequent upon the war, the only central administrative authority considered acceptable at the time was one expert, i.e., the Government Town Planner.

Draft clauses proposing in addition an Advisory Board of local government and professional men were submitted to the Government by the Department of Town Planning before the 1919-1920 Bill came to Parliament for decision, but were not approved for incorporation in the measure. In the meantime the professional and real estate interests in South Australia had joined forces. At first they opposed the new Bill tooth and nail, and with the aid of their Parliamentary representatives endeavoured to have it thrown out. The powers of the Government Town Planner were represented as "absolute autocracy," although he was wholly subject to Ministerial control and direction. An organised campaign of publicity against the measure was undertaken, but public opinion and the activities of the Town Planning Association successfully countered this reactionary policy.

The opposition found it wise instead to accept a series of conferences with the Government Town Planner, which, after many months of discussion, produced no important change in the measure. Mountains of suggested amendments gradually dwindled away to molehills of minor detail on all points except the proposed Board. This proposal, in the form insisted upon by the Real Estate and professional bodies, was clearly a challenge to established principles of local government which, once realised by the Councils, produced vigorous protests. The Bill consequently went through the lower house (representing public opinion) without a division.

Thus thwarted, opposition effort was concentrated upon the Upper House—a deeply conservative body which for years has often proved a stumbling-block to reasonable as well as unreasonable "reforms." The majority of members were at first in favour of rejecting the whole measure, but a fortunate circumstance was present in the fact that Parliament had to face the electors shortly after proroguing. The Local Bodies throughout the country were thoroughly aroused for once and bombarded

them with protests against any Board, or any commission of experts. The Town Planning Association actively supported the Councils. The fear of how the elections might be affected was wholesome enough to force the Upper House to temporarise. The old device of getting rid of an unpalatable Bill by relegating it to a Select Committee was resorted to, but public opinion became insistent, and thus in the closing stages of the session the Legislative Council was persuaded, despite the opposition of the "die-hards," to pass the main portions of the Bill establishing the Town Planning Department, transferring the control of subdivisions and real estate operations from the Surveyor-General to the Government Town Planner, and otherwise determining the chief controversial points (including the Board).

At the last moment the Select Committee decided to accept the original clauses of the Department of Town Planning to make the Board an advisory one composed of representatives of local government and professional experts. The closing scenes were very strenuous, necessitating constant attendance at the House of Parliament for days and nights and, at the end, eighteen hours continuous effort in order that the Bill could pass into law. It was the last measure to be approved in the small hours of the morning ere the curtain fell. Thus, after four years effort and discussion, during which almost everybody with any voice in directing the affairs of a thoroughly democratic state had argued the distinctive merits of his opinion in the matter, the result came back to very much what was proposed at the start in 1916—namely, central administrative control by technical experts and local government representatives under the leadership of a Government Town Planner.

The S.A. Town Planning and Development Act has now been proclaimed and is in operation. In accordance with the regulations made under the Act on 8th June last, the Central Advisory Board consists of—

- (a) The Government Town Planner (Chairman) ;
- (b) The Surveyor-General ;
- (c) A Civil Engineer and an Architect (both of whom are chosen from the Government Service), and
- (d) Two representatives of the local governing bodies elected by themselves.

The Act can only be regarded as a preparatory step towards town planning proper. Under its provisions the laying-out of all new towns or town extensions, or rural villages, proposed by any Department of State now rests with the Government Town Planner who, in the preparation of the plan, consults the authorities concerned.

All subdivisions of land for building or other developmental purposes cannot be made, or land sold and transfers effected until the plans have

been approved under the Act by the Government Town Planner. The Act gives the departmental head discretionary powers in requiring owners to supply levels and other information regarding their land before approval is given, to make proper provision for the disposal of drainage or sewerage, to provide for certain public requirements affecting railways and other utilities, and finally to dedicate lands for various public purposes, including roads and streets. These provide for—

- (a) Main roads—66 to 198 feet.
- (b) Secondary roads—50 to 66 feet.
- (c) Residential roads—40 to 50 feet.
- (d) Rights of way—11 to 22 feet (in width).

In cases of important dispute the matter is referred to the Minister, who may decide the issue forthwith or seek the decision of the Board, which is final.

Under the original Bill a separate Part provided for the making of General Town Plans, and the preparation and carrying out of individual schemes and town planning by-laws applicable to any lands.

The road widths quoted were laid down subject to any variations thereof subsequently determined under approved schemes or by-laws.

This Part of the Act, however, was postponed by the Legislative Council, which desired more time to consider these provisions. There is now a strong public demand that when Parliament reassembles this Part of the Original Bill shall be gone on with. At the annual meeting of the S.A. Town Planning & Housing Association in April last it was decided to request the Government to take immediate steps accordingly.

Thus ends another chapter in the brief history of a movement which so far has given South Australia a permanent Department of Town Planning and legislative sanction towards the preliminary organisation of better methods in the planning and development of towns and cities and rural settlements. Australia has still a very long way to go. However unpopular it may seem to say so the fact remains that in this form of modern organisation she is much behind other British and overseas countries. This concluding remark is made with a full sense of appreciation and intimate understanding of the further trials and difficulties which have yet to be borne by those who seek to make those responsible for the welfare and destinies of the great Commonwealth realise that prevention is better than cure, and that Australian nationality, as an integral part of the British Empire, must largely succeed or fail in ratio to the degree of wisdom and foresight which governs the further building and extension of the towns and cities that are the cradle of her civilisation.

CHARLES C. READE.