



Adelaide Park Lands Preservation Association, Inc.

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Friday 18 December 2020

Michael Lennon
State Planning Commission
GPO Box 1815
Adelaide SA 5001

Dear Mr Lennon

RE: DRAFT PLANNING AND DESIGN CODE 2ND CONSULTATION

The Adelaide Park Lands Preservation Association (APPA) appreciates the opportunity to provide further feedback on the latest draft of the Planning and Design Code (the Code). We note that some of the suggested revisions of both the City of Adelaide dated February 2020 and APPA's own submission dated Thursday 27 February 2020 have been taken on board, but that a number of issues remain unaddressed. These are summarised as follows:

1. Recommendation that a self-assessment and referral process is undertaken regarding any possible effect the P&D Code may have on the values which underpin the National Heritage Listing of the Adelaide Park Lands and City Layout.
2. Recommendation that a heritage overlay or Significant (Cultural) Landscape Protection overlay for the defined National Heritage listing area be incorporated into the code to trigger self-assessments and referrals under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* (C'wealth) governing National Heritage-listed places.
- 2.3. Recommendation that the Code for the Adelaide Park Lands Zone includes cross references the Statutory Principles of the *Adelaide Park Lands (APL) Act 2005* (SA) and the relevant section of the *Local Government Act 1999* (SA) (Chapter 11, Part 1 governing Community Land) APL Act.
- 3.4. APPA also supports the recommendations for further refinements to the Planning and Design code to promote the special status, attributes and character of the Adelaide Park Lands as per the *Adelaide Park Lands Act, 2005* (SA) as set out in Attachment A to Item 3.1 on the Agenda for the Special meeting of the Board of the Adelaide Park Lands Authority held on 30 November 2020.
- 4.5. APPA also endorses the recommendations of APLA and the City of Adelaide regarding refinement of provisions for the Riverbank Zone, in particular the introduction of effective Desired Outcome policy or additional policy mechanism to reinstate overall vision for City Riverbank Zone and addresses the fact that the zone is located within the Adelaide Park Lands, and must also respect the Statutory Principles of the *Adelaide Park Lands (APL) Act 2005* (SA).
- 5.6. We highlight that there is still no mention in the Code of policies regarding Aboriginal heritage or culturally significant sites, despite their inclusion in State Planning Policy 7. This is also a gap in the current planning system, with there being no mechanism for formal referral relating to Aboriginal cultural matters and the protection of Aboriginal heritage, despite the wide-reaching effect of the *Aboriginal Heritage Act 1988* (SA), by which all development applications are bound.

6-7. There still appears to be no clear path for regular review, revision and amendment of the Code as was previously and clearly articulated in the section 30 review process of the *Development Act 1993*.

Conclusions

Once again APPA makes the point that in the short space of time allowed for this second review, it has been challenging for professionals to understand the Code and its on-ground effects, let alone lay people.

In a more general sense, we continue to contend that the draft Code allows the pendulum to swing too far from the centre in terms of the stripped-down policy settings it proposes for the National Heritage-listed Adelaide Park Lands.

If the current Development Plan is perceived as too complex or heavy handed – and APPA would contest this proposition – then we suggest that the draft Code continues to apply too light a touch in its approach to development planning with respect to the Park Lands, and with respect to development across metropolitan Adelaide and the rest of South Australia.

Specifically, APPA contests that in its current form the Code clearly still does not provide a ‘like for like’ transition of policy from the current CoA Development Plan, nor is it clear that the Code will achieve what its set out to achieve – a simpler more transparent planning system for South Australia.

We trust that you find this feedback constructive and that, along with the City of Adelaide and Adelaide Park Lands Authority submissions, it will lead to further amendments to the Code as it applies to the Adelaide Park Lands Zone and Riverbank Zone, with additional policy where there is agreement that policy gaps exist, or amendment is required.

Yours sincerely,



Shane Sody

President
Adelaide Park Lands Preservation Association