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Dear Sir/Madam

**Submission No 2 regarding Phase 3 of SOUTH AUSTRALIA'S PLANNING & DESIGN CODE (Code) under the Planning Reform (Reform): open to feedback until 5pm on Friday 18 December 2020.**  
**Council area: City of Adelaide.**

**About us:** South West City Community Association Inc (**SWCCA**) is an incorporated association formed in August 2012, under the name South West City Residents Association Inc, to represent, and to give a voice to, the interests of residents and community of the South West corner of the City of Adelaide, initially in relation to changes to the Development Plan and Planning Reform.

The principal objects of SWCCA are to:-

- pursue the interests of the community in protecting and enhancing the South West City;
- preserve and respect the inherent character, heritage, history and social diversity of the South West City;
- participate in framing planning policy and in development assessment to ensure high quality, sympathetic, human-scale development which retains the high level of residential amenity throughout the South West City;
- build resilience and sustainability in response to environmental and economic challenges;
- take action to improve and expand public open space and community infrastructure;
- build relationships with local community organisations and small neighbourhood businesses;
- have a strong, active presence in the community;
- establish SWCCA as a force that asserts its view at every opportunity, while working collaboratively with all relevant parties; and
- determine the policy of SWCCA in relation to matters affecting the South West City.

The SWCCA Committee would like to stress that in making this submission we are representing the views of our community in particular, and also of other interested parties with whom we correspond, or have contact, on a regular basis. These people may not submit individually but will rely on SWCCA's submission to represent their interests. This submission should therefore be considered as a community response.

This proposed Code will have a catastrophic impact on, not only the South West City, but also the City of Adelaide, and the State of South Australia.

There were potential problems, identified in our submission to the Expert Panel on Planning Reform in 2013/14, and unfortunately, we note that they have all been taken up as attributes and inserted into the Code, to the detriment of the community.

Topics of concern to SWCCA in 2013/14 included, but were not limited to, the following:-

That:-

- There should be reduced planning Ministerial influence;
- Control should be returned to local councils;
- The influence by developers on the Reform system was not balanced, but excessive or exclusive;
- The closed-door secrecy component should be removed from the system;
- Re-zoning areas should not be permitted.

In fact, rezoning, secrecy, Ministerial influence, sidelining councils and increased developer involvement, all form the cornerstones of the current Code.

The Minister, Planning Commission, SCAP and DPTI have been working behind closed doors to progress virtually any proposal that supports the economy no matter what the impact on local amenity, and many of the decisions appear to be based purely 'on merit' – money and jobs, but not good for the community.

The Code is generally ambiguous, and is subject to interpretation and amendment at any time. As a result, the only group provided with any certainty appear to be developers who, it seems, can orchestrate virtually any outcome they desire.

The fact that almost anyone can alter the system is frightening. A Code that encourages numerous applicants (including every single property owner) to submit amendments will over time result in an even more complex, fragmented and insecure system. Who will manage this process, and who will know what changes have been made, and when? The Portal – an electronic database – provides property-specific information relating only to that address. Who is to say that these random amendments will result in yet another layer of overlays and potentially alter the zoning in that area to the detriment of the amenity of neighbours? This is not clear.

**The constant state of flux:** the community is being asked to put in submissions on a Code which is constantly changing. A PDF version report from the Planning Portal on the writer's property in mid-November consisted of 175 pages. The same report requested mid-December on the same property has now become 153 pages. It was also noted that a report would only be available for 5 days. What has changed between reports? Does the original report still exist? As we are a not-for-profit organisation, which does not have ready access to funding for unlimited printing or professional advice, we cannot compare the 2 reports side by side; so we have no idea what has changed and what ramifications there would be.

In addition, a lot of irrelevant information which does not apply to our property was sent to us from the Portal forming part of this report; such as policies regarding aquaculture, intensive animal husbandry, commercial forestry and others. This is the City!

Our residence is adjacent to, and across the road from, a zone where there are heritage places; in fact, we are across the road from Heritage places – yet there are no Heritage Overlays in our report. However, we have discovered in other areas in the South West City that an Adjacent Heritage Overlay exists, with appropriate Policies. Why not here?

**Comparison: what we had, and what is coming.**

**The old Development Plan System:** each Council had their own Development Plan. The Plan contained the information that dictated what went where and provided certainty for Council, community and developers alike. It was in plain English and rarely subject to interpretation. Things that were built in a zone were as expected and generally complimented the zone. The plan specified to anyone who read it what development

was permitted where and more importantly a list of non-complying (or not permitted) developments for that area.

**The Code:** under the Code various people, often with a conflict of interest, will now be making the decisions on what goes where. As the Code does not provide sufficient direction to determine suitability of a project, as did the Development Plans, but is a collection of information for a specific property, there is a danger that each person or group can interpret the data differently.

The new Code has re-zoned, sub-zoned, overlaid and removed the expectations of communities who now realise they were previously living in a planning system which offered them simplicity, continuity, safety and surety.

It would appear more emphasis/scrutiny is applied in the Code to the erection of a carport by a property owner than the planning for a 27-storey building, and that the majority of these minor applications will be approved by a computer algorithm. It will take the human being out of the equation, rendering those assessors redundant. At this time of the Pandemic, the State needs to keep employed as many of us as it can.

More significant applications that impact on existing amenity will be approved behind closed doors by a combination - of any of - the Minister, the Planning Commission and SCAP, who in turn rely on DPTI to assess most applications that are put before them; all of which will be done in secrecy. From prior workshops and information sessions, we understand for major works, that there is no notification to the general public until a sign appears on a site advising what will be built, not what may be considered to be built, thus allowing the general public no avenue of address or objection to the proposal.

The Code will replace the certainty of the Development Plans with the conflicted opinion of numerous committees, professionals and developers (and nothing from the community) often with the overriding sign-off attributed to the Minister who has been given over-riding powers.

**Removal of “Planning” from the Department’s name:** we have recently been made aware of the removal of the word “Planning” from the name: Department of Planning Transport & Infrastructure (DPTI) when we raised a query regarding the address for filing our submission and PlanSA responded to us. Although we were not advised of the date of the change, nor can we easily find any media releases or other articles on this topic on the “sa.gov” Website, and indeed why this step was taken, we fear this is another nail in the coffin for good planning practices in South Australia; to remove the word, a vital and important role of the Department, and one which should be synonymous with good practice governance in South Australia. We have inquired from PlanSA to find out what connection there is with this entity and what is now DIT but as at the time of submitting we are still awaiting a response.

**City of Adelaide:** we have sighted the draft submission by the City of Adelaide in which our community sits and we generally endorse the issues raised in the document, put to Council for approval last Tuesday 15<sup>th</sup> December 2020. In particular, a number of important omissions from the existing Adelaide (City) Development Plan have been identified in the Council’s submission.

By far the most damaging aspect throughout the Code is the omission of large descriptive sections of the Adelaide (City) Development Plan with regard to policy, resulting in dangerous loopholes for exploitation which would lead to undesirable outcomes in various zones.

In addition, we found the following of concern:

- Overlays which have been included, but which do not apply to the City of Adelaide;
- Overlays which should have been included;
- Heritage matters where policies for adjacent areas are not sufficient to ensure long-term heritage policy, or where they have been left out entirely;
- Ambiguities in the public notification process;
- Increased opportunities in the Code for the premature demolition of buildings, leaving large vacant blocks to the detriment of the City, reducing activation opportunities and negatively affecting city streetscapes.
- Lack of quality assurance in the process of resourcing, timeframes and management of the Code's creation and use, going forward.

With respect to Overlays which should be included, one example is the Tree Canopy Overlay. We note that Council wishes this to be included and apply to the City Living Zone and Community Facilities Zone, and we agree, but we also believe it should apply to the Capital City Zone, where it is feasible. In the Summer the City is a heat-sink, so any greening of this area will assist to cool the streets.

We also note that there has been a push to plant a tree for each property affected by the Infill Overlay. Where it is impractical to provide the tree at a site there will an option for developers to pay a fee in lieu, to form part of a fund for greening. SWCCA wonders:-

- Will this proposed scheme be administered as the Open Space Scheme has been, where we understand that funds were used to partially fund the development of the Code - which in fact provides for the removal of open space?
- Will the tree be planted in the same area, or be planted anywhere in the State?

SWCCA has been involved in this journey since we were formed in 2012, with the Development Plan Amendment brought into force at that time, and we have also participated in many forums, workshops and meetings regarding the Reform since then, filing a number of submissions, including those to:-

- Parliamentary Committee on Petition No 2 on Planning Reform dated 14 September 2020
- DPTI on Phase 3 of the Planning & Design Code dated 28 February 2020);
- State Planning Commission (DPTI) regarding the Community Engagement Charter dated 8 December 2017;
- DPTI regarding the Local Heritage Discussion Paper dated 7 October 2016.

In addition to the above, some, but not all, of the other submissions we have filed on the following topics were to:-

- The Expert Panel: answers to their queries regarding the proposed Planning Reform, dated 10 October 2013;
- Expert Panel (further submission) after their Report of the reforms to be implemented, dated September 2014;
- Planning Engagement (DPTI) on SA's Planning Design Code - 'how will it work?' dated 22 July 2018
- Environmental Resources and Development Committee, Parliament House, on the operation of the Heritage System in SA, dated 13 September 2018
- State Planning Commission (DPTI) on the 16 Planning Reform Policies, dated 21 September 2018
- Planning Reform (DPTI) on Assessment Pathways – 'how will they work?' dated 10 October 2018.

We will provide you with copies of these documents, if required.

**Parliamentary Review into Petition 2 - Planning Reform:** we were disappointed that the community has not received feedback on progress of this matter from the Parliamentary Committee from September this year. However, we understand that any decisions made as a result of this process will likely occur well after the Code has been implemented. We have been advised that Parliament will be able to act on findings, something that is unlikely to occur after the Code has been put into operation.

The Code has changed from Phase Two - a 3,560 page document, to Phase Three – 7,884 pages, and growing – still with hundreds of associated documents. It is becoming apparent that no-one will be fully aware of the content in the first version of the Code when it is brought into operation, as it is being continually altered up to its release, and will no doubt be altered again from day one of its operation. If, say, we lodge a development application on a property today, and do not make a copy of the code on that day, by the time it is considered we would likely be dealing with a different version of the Code, particularly as applicants and others are encouraged to submit amendments to the Code on an ongoing basis.

It is beyond belief that a functioning Adelaide (City) Development Plan consisting of a single 500 page document that guided development in the City will be dissolved at enormous expense into an increasingly complex 7,884 page Code with over 700 associated fact sheets, guides, forms, maps, schemes and other documents, yet the community is being told that it will be easier, quicker and simpler to access information. This is not the case. It has become so complex it will not be accessible to all, particularly those who are not computer-savvy, it will not be workable or accurate, particularly in its present state, and it will be subject to interpretation. Members of the community will require professional assistance with accessing the information and would be likely supplied differing information if seeking a second opinion.

It has become clear to SWCCA that no matter how much information and advice you receive you will proceed with implementation of this Code.

SWCCA reserves the right to to be heard at any public hearing on this topic.

Yours faithfully  
Susan Collins  
Chair  
South West City Community Association Inc

Dated 18 December 2020