



Mt Barker & District Residents' Association Inc.

PO Box 19 Mount Barker, South Australia 5251

For the Community

27 February 2020

State Planning Commission
Level 5, 50 Flinders Street
Adelaide 5000 SA

Dear Mr Lennon

Thank you for the opportunity to present this submission to you.

We have attended two presentations and read the briefing sheets, FAQs, and attempted to use the new online system. We have read submissions prepared by the Community Alliance SA and the Mt Barker District Council. We have discussed the new code and approach to planning changes at our General Meeting on Wednesday 19 February.

In summary, we can state with complete confidence the following;

1. The new code and supplementary information is difficult to understand. It is complex, has many mistakes and inaccuracies and we have no confidence that we really know what is changing, whether we understand the changes or what the consequences of these changes will be.
2. Our Council is concerned about many elements of the new code and we share their concern and ask that you carefully consider their high-quality submission.
3. The Community Alliance SA has prepared a comprehensive response by Dr Iris Iwanicki, respected local SA planner and consultant. Our Association, as a founding member of Community Alliance SA, contributed to the funds to pay for this detailed formal assessment of the code. We concur that Dr Iwanicki will know more about this area than we do. We trust her judgement that there are errors, complexities, inaccuracies and omissions that she is correct in pointing these out to you.
4. We note that other Councils, as well as the development industry, notably the UDIA also do not agree the new code is appropriate, sufficiently accurate and robust for public release.

During the consultation period, we have found that policy changes have not been highlighted during the public consultation sessions, nor explained to the public. Information about the changes remains obscure to our members and scattered through a multiplicity of online information. The differences between new policy intent and errors are not made clear. We are quite fearful that this new Code is going to deliver a negative outcome to our community with regards to their local areas, new developments, historic conservation areas, infill, green space and general amenity. One local council planner (not from our Council) stated 'this will just be a tick and flick' for developers and Councils and the community will have little input to these decisions.

This difficulty in reading and using the Code extends to the community who until recently have not had a community consultation session held in the district. This lack of community engagement has not been enough to ensure that the community understands the changes proposed. Notably the engagement that has occurred to date is not consistent with the Community Engagement Charter. This association organised a public workshop with your team at Mt Barker and 35 people attended. We doubt that any of them were any the wiser after the 'show and tell' presentation. We appreciate the opportunity to hear about the changes, but the consultation was not rigorous enough and more time should have been allowed for workshopping examples to determine consequences. There was also insufficient time to ask more detailed questions. We note in the appendices of the Community Alliance SA submission that members could not find the information they were testing in the 'Crack the Code' activity.

Given the undertakings of the legislation and Commission to consult widely on a simpler, clearer and more transparent new planning system, we support the Community Alliance SA in communication to the Commission, the Minister for Planning and the Premier that community engagement has failed to convey the new system as a simpler, clearer and more transparent system. We urge the SPC and the Minister to ensure that future versions of the Planning and Design (P&D) Code address the issues raised in the many submissions made throughout Phases 1, 2 and 3 regarding errors, omissions and inconsistencies and difficulty of interpretation before any informed community comment can reasonably be invited or expected.

The online system that you have created is not user friendly or intuitive, has outdated functionality and probably will create hundreds of more enquiries to local councils about planning requirements, than they currently receive. The 'look and feel' is of a 20 year old database. We think this will increase the enquiries by many hundreds each week.

The Code appears not to have integrated existing local policy relevant to the Mt Barker district, which currently fits within our Council's Development Plan. This policy work has been developed in partnership with the community over numerous years. The Code introduces significant changes to the existing planning policy framework for the District. We object to this and wish to retain the current planning policy framework which Council worked very hard with its community to develop in the last 10 years.

Our local Council's submission focuses on the importance of retaining all of the excellent planning and community consultation undertaken by the council and its community after the implementation of the Ministerial DPA, resulting in the 'theft' of 1300 hectares of agricultural land for residential housing development. At great expense (of the community's rates) Council has created planning documents which supplement the existing Development Plan. These are integral to ensure the ongoing urban development in our district adheres to strict standards of open green space, significant tree security, appropriate housing planning guidelines and development of community space, roads, paths, recreational and other space use. It is not clear to us if this aspect of planning is retained with the new code.

The Mount Barker District Council has, over a number of years, invested significant resources in creating a development policy framework that reflects the unique challenge of being both a major growth area and a region which provides for a broad range of primary production and tourism industries. Whilst Council acknowledges the benefits of a simplified and standardised approach to development policy across the State, there remains a need to continue to recognise the importance of location specific policy. Presently the draft Code omits many of these location

specific policies with structure plans for areas of greenfield development, provisions which seek to retain a unique character or identity and policies which provide for rural enterprise, value adding and tourism in rural areas having now been removed or significantly watered down.

From our planners report to our Elected Members in the Council meeting of 3 February 2020 we include the following information:

In addition to this lack of community engagement DPTI and the Commission had long touted that the intent of the first iteration of the Planning and Design Code has been to transition existing Development Plan policy to the Code in a like for like manner. This method was chosen to minimise major changes to long established policy settings that have directed the development of areas across the State. Unfortunately, as can be seen from the attached report this has not been the case which shows that there are numerous policy shortfalls, inconsistencies, errors and assessment criteria shifts within the Code. These concerns overshadow those aspects of the planning reforms (online portal) and the portions of the Code which correlate well with Council's current Development Plan. Of particular concern is the where existing locally specific policy, developed and improved by Council over many years, has failed to transition into the Code. Key concerns relate to five main areas including:

- Heritage
- Infrastructure provision (including concept plans)
- Zoning and assessment criteria changes
- Assessment process and;
- Resources.

Some examples of how these changes will impact on the community include a significant reduction in the minimum allotment size in a number of townships, a radical increase in building heights through the main streets of townships, the removal of most concept plans, which ensure appropriate infrastructure is provided by developers and the loss of key policy areas and precincts (for example The Cedars Precinct).

It is critically important that the errors and inconsistencies within the Code are corrected to ensure the liveability of our District is not adversely impacted. Ten years of proactive policy reform is in danger of being lost, with little regard for this in the draft Code. The loss of this policy puts at risk, many of the mitigated concerns of our community and the opportunities that are essential in realising this Districts potential.

Council's submission to the State Planning Commission outlines ways in which the Code should be amended. In addition to the detailed submission on the Code, a letter is included from the Mayor to the Minister for Planning and the chairman of State Planning Commission. This letter summarises Council's concerns with the Draft Planning and Design Code and offers the assistance of Council's staff to ensure that key planning policies are not lost in the transition to the Code.

For these reasons our Association is not supportive of the Draft Planning and Design Code in its current form and subsequently encourages the Commission to undertake an additional period of engagement and refinement with our Council and Community Alliance SA before final implementation. We believe this additional, more engaged consultation will enable the SPC to deliver a better outcome to the South Australian community.

We ask that you work with our Council's planning staff to ensure the issues raised by them in their detailed submission are addressed to the point that we do not lose our current protected levels for certain zones.

Of particular concern is that the community consultation sessions, or rather information sessions, did not identify ANY specific issues for our district, ie the presentation indicated that everything would be perfectly transferred over, there would be NO changes to current policy and zoning and we had nothing to worry about. This is clearly not accurate once you read the Council's report.

Finally, this consultation has not met the requirements of the State Government's Community Consultation Charter. We strongly urge you to take note of all the issues noted in our Council's response and address these appropriately and as directed by Council.

Kind regards

D E van Eck

Dianne van Eck