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**Q1** Which part of the Planning and Design Code would you like to make a submission about?(Please click the circle to select which part of the Code you wish to comment on. You can also see which council areas are included in the rural and urban code via the links below.)

**My submission relates to Statewide code**

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**Q2** Please provide your contact details below (Name, Postcode & Email are mandatory) Please be advised that your submission will be made publicly available on the SA Planning Portal.

Name	<b>Andrew Winkler</b>
Company	<b>Friends of Torrens Island Inc.</b>
Address	[REDACTED]
Your Council Area	<b>West Torrens</b>
Suburbs/Town	<b>Torrensville</b>
State	<b>SA</b>
Postcode	<b>5031</b>
Country	<b>Australia</b>
Email Address	[REDACTED]

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**Q3** Which sector do you associate yourself with?

**Community Group**

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**Q4** Please upload your PDF template for submission here (pdf only)

**P&DC submission - Andrew Winkler.pdf (43.2KB)**

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**Q5** Please enter your general feedback here

I wish to add my voice to those many others seeking an extension of the implementation date of the Code, and to allow for further public consultation.

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# **Submission in relation to the: Draft Planning and Design Code**

## **Disclaimer**

Although I am a member of the National Trust of SA and the Friends of Parks Inc., these organisations are making their own submissions to the Draft Planning and Design Code.

This submission contains my own personal views, and therefore should not be taken as representing the official views of these organisations.

I have been a member of several community organisations involved in environmental and heritage issues for well over 20 years.

Over the past few years I have attended several briefings and public meetings regarding the planning reforms, going back to the time when the reform initiative was started under Minister Rau of the previous Weatherill government; public disquiet was already apparent at that time.

I have a little experience of the existing planning system, having two years ago as Chair of the Friends of Torrens Island Inc. appeared before the State Commission Assessment Panel for an oral presentation in relation to a FoTI submission in opposition to a development proposal by Origin Energy, adjacent to the Torrens Island Quarantine Station (TIQS) site.

I am quite grateful towards the Department for Environment and Water (and particularly towards Heritage SA for their support now that the TIQS site is under DEW ownership). In this sphere of government at least there is appreciation of the value of SA's built and natural heritage, and its economic potential through tourism. (For several years I have been leading tours of TIQS for passengers of cruise liners visiting Outer Harbor, and our Friends group is currently planning for our event to be held there during May's SA History Festival, following our successful event at last year's festival.)

On the other hand, through my involvement with the National Trust of SA (both with its State Office and its Port of Adelaide Branch), in several campaigns over heritage issues over many years, I am aware of a strong undercurrent of public distrust over these planning reforms, particularly in the wake of the Shed 26 debacle at Port Adelaide, which resulted in the Minister overturning a decision by the SA Heritage Council to grant provisional heritage listing to the building.

Through my involvement with the Board of Friends of Parks Inc., I am also aware of the considerable disquiet amongst FoP member groups on Kangaroo Island over recent planning decisions regarding commercial developments on the Kangaroo Island Wilderness Trail, as well as the Board's concerns about zoning inconsistencies of National and Conservation Parks contained in the Draft Code's electronic portal.

Unfortunately I have lacked the time and energy to delve into the documentation of the proposed planning reforms and its electronic portal, not least because of the amount of complexity and the jargon employed, so I feel unable to comment on specific details of zoning and overlays, etc.

While the reforms may have some merit (I note that at a public meeting held last month in Port Adelaide, Iris Iwanicki, former SA president of the Planning Institute of Australia, spoke in favour of the reforms as creating a uniform state-wide system to replace the present complex system of differing local government development plans and heritage regulations, as being a great boon to planners), however, I do have strong general concerns about the devil being in the detail, as well as having greater overarching concerns about the general thrust of the reforms contained in the Draft Code.

My concerns include, in particular:

1. Part of the complexity of these reform documents lies in the introduction of new terms - far from being mere jargon, these terms may not be entirely consistent with those of the previous system(s), and their formal definition (in the legal sense) may lead to the creation of new legal loopholes, and a lawyer's picnic. (I seem to recall that some years ago, litigation arose because the word "*precinct*" was not defined in SA planning law of the day.) This proliferation and elaboration of planning jargon may also give rise to suspicions that, rather than creating greater transparency, public understanding and acceptance of future planning decisions, the actual effect may be the very opposite.
2. Outsourcing of development assessment approvals to planners engaged by the developers - even if these planners may be properly qualified and audited, they are still to be paid by the developer - and he who pays the piper, calls the tune.
3. Reduction of public notification of new development proposals, elimination of third-part appeal rights, and granting new appeal rights to developers, all massively tilt the tables in favour of developers, and easier demolition, particularly of those buildings currently listed as "contributory items".
4. The rushed timetable for (inadequate) public consultation and implementation, coupled with the late release of documentation and problems with the roll-out of the electronic planning portal, all contribute to a lack of confidence that the new system will truly serve the interests of all South Australians, rather than just the interests of developers.

Given the considerable public concerns that have been expressed over the rushed implementation of this Draft Planning and Design Code, I wish to add my voice to those many others seeking an extension of the implementation date of the Code, and to allow for further public consultation.

**Andrew Winkler, B.Sc.**

28 February 2020

**Vice-president,** [Friends of Parks Inc.](#)

**Chair,** [Friends of Patawalonga Creek](#)

**Chair,** Friends of Torrens Island Inc. / [FoTI on Facebook](#)

**Committee member,** [Port of Adelaide Branch, National Trust of SA](#) / [PoANT on Facebook](#)

**Recipient,** Conservation Council of SA's 2013 *Unsung Hero Award*

**Recipient,** Port Adelaide Local Legends Award, 2016 (Presented by The Hon. Mark Butler, MHR)

**Nominee,** Australian of the Year Award, 2017