

HOVE 5048

State Planning Commission
Department of Planning Transport and Infrastructure
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Submitted via email as follows:

State Planning Commission
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The Minister for Planning, Stephan Knoll
[REDACTED]

The Premier, Steven Marshall
[REDACTED]

The local member for the Electorate of Gibson, Corey Wingard
[REDACTED]

28 February 2020

Dear Sirs,

Submission regarding the Planning and Design Code

1. Background and overview

I have been amongst the very few who attended the technocratic and half-baked consultation sessions arranged by the SPC and held last year. I have also participated actively in several sessions arranged by the Council and various community groups, both as an individual and as a member of certain Council panels and advisory groups,. Finally, and least informatively I have made an effort to disentangle some of the manifest complexities within the portal containing the draft Code.

In summary, I am profoundly concerned that the new Code is based on a false premise (or premises), is being hurriedly and shoddily pursued, and contains within it the recipe for considerable dismay and social dislocation. I suspect that at least some of these views may be shared by the growing number of senior policy personnel involved with the Code project who have disassociated themselves from it in recent months.

2. Consultation

While I am a higher degree educated professional person, with one of my degrees being in law, I am not a member of the planning profession or otherwise professionally associated in planning matters. However, for such a Code and associated system to be fit for purpose, it should be accessible and useable by people such as me. Despite heavy engagement in the consultation process associated with the Code, it is not. That this is not so essentially defeats a core purpose of any such reform and discriminates against those who have neither the specialised training, computer savvy, nor the considerable time it would involve to deal with it.

With its enormous size, multi layers and impenetrable language coding, it would be very challenging to understand even if the portal was up to date and functional. So far as I can tell, the draft Code is more than 3,000 pages, together with the updates, the various historic statements, over-lays, classification tables (a further 2000+ pages) and ancillary documentation. It is overwhelming.

Indeed, the state of the portal rendered the SPC-led consultation process an almost complete waste of time and energy, its only useful function to heighten the concerns being broadcast by groups such as the various Councils, the Local Government Association and Community Alliance SA as to the state of readiness of the Code and the planning "model" it purports to implement.

I understand, from the publicity and process initiated by the Labor Government that a core element of the new Code would be to reduce the ability for those potentially affected by developments in the future to receive notice of them, undertake a review and to object. This further step away from transparency and consultation (and towards potential social dislocation) was "justified" on the basis that the establishment of the Code and its various zones and overlays represented the community's opportunity to have their say. While this represented a major reduction of rights on its face, that is naturally compounded by the nature of the consultation process being undertaken, the presentation of the consultation materials, their unfinished, uncertain and changing nature, and the constrained set of matters said to be able to be commented upon. It is also screened, at least for those not deeply engaged with the process, behind a narrative that this is essentially only a digitisation project making the system far more accessible and transparent for all, the implication being that it will not yield substantive change to our State. The words "like for like" have been used extensively and deceptively. As you know, it contains the activated seeds for profound alterations to the built, natural and social infrastructure of South Australia. To botch or fudge the consultation on something with the apparent reach and consequences of this thing should, in the absence of genuine and substantial remedial effort, be actionable. It is at the very least deceptive, incompetent and deplorable.

While I note that implementation of the Code has been delayed by at least three months, no extension has been allowed for the consultation process. In my view, the process should be extended and substantially revised (along

with the monstrous thing the consultation is about) in a way that makes clear to people in non-technocratic language and with clear comparisons what changes are being contemplated in general and specifically for their area. At least 6 months would be required for that (assuming the SPC is able to restaff itself adequately, including with people able to engage in a less technocratic way) and likely 12.

3. The Code's fundamentally flawed premise

The flawed premise of the idea that detailed development plans, built up in a granular way over long periods to reflect the nature of the natural and human geography of their areas, is able to be easily reduced and standardised into a single Code is evidenced by the enormous range of errors and failures in that which has been delivered to date. In a country which presents as proudly capitalist, this is copybook socialist centralised State planning. It is much the worse for being coupled with "let- it- rip" content aimed at letting those untroubled by thoughts outside of pure commercial gain have their heads. Diversity will be stripped away in a race to a lowest common denominator outcome.

We understand that some scope is provided within the Code for the Council to adjust "TMVs" to try to claw back some specificity. While this would be essential, we submit that this is entirely the wrong approach and that the difference of the area from its urban counterpart should be the starting point.

Another means by which the State (as Lenin may have used that term) will grind out difference, diversity and interest through this Code is through the continued reduction of the powers of Councils, and most notably of elected representatives, to have some input in the planning approval process. We understand that the nature of the review and approval process and the constraints within which it is to be employed will even further reduce the influence of a community on its environment. While this trend has been evident for some time under Minister Rau, it is being taken even further here with deeming provisions operating to reverse the onus on constrained Council resources. While the Council is in no way perfect, to further reduce the community's visibility and input is undemocratic and to flirt with anarchy.

The State Government's rigid intent on establishing a grossly oversimplified one-size-fits-all planning rule book, will result in the wholesale loss of contextual sensitivity and evolved policy thinking.

4. Substantive issues

The impenetrability of the draft Code, its poor state of readiness, its undisclosed variability and the disassociation between pronouncements and its content make any commentary at this stage necessarily high level. I have read the paper prepared by Community Alliance SA and endorse it. In succinct and non-technocratic language, I share the concerns of many concerning:

- Reductive zoning which, despite promises, is far from like for like and errs always on the side of facilitating more development, increasing density, loss of character and amenity and loss of the natural world;
- Approval processes which reverse the onus away from developers and onto Councils and those affected, whilst simultaneously reducing their scope to resist;
- An incredibly consistent and unmitigated push towards higher, denser, closer and less screened cities, towns and suburbs;
- A fresh assault on trees, watersheds and the natural world with much heavier artillery;
- A facile and again reductionist approach to heritage and character, freezing token small pockets (often erroneously identified) in time and place while all around them is mayhem;
- A ramp up in opacity and secrecy from an already disempowering level. The digitisation and tracking to be allowed online will allow us to monitor the dreadful inevitability of the horrors this will unleash, blow by blow. We will have neither visibility nor say on the substance of the thing.

I understand from a recent Council briefing session that 200m² blocks are to be considered “low density” in this brave new world, a mere illustration of the intent. I have to admit to being more than a little breathless as to the crazy political bravery of the Minister and the Government if this is to be the final outcome. The logical result of that is cold comfort for the damage which will be wrought while those involved go on to lucrative consultancies in the property development sector.

The Minister apparently describes the process as “the biggest modernisation of the planning system for 20 years” to “ensure the State remains liveable, prosperous and vibrant”. There is little doubt who is to become more prosperous from such a Code. It appears to represent an ill-considered race to lowest common denominator uniformity heedless of character, amenity and the types of liveability desired by those who have invested their lives and wealth to date. It represents a substantial reward for land speculators, tract home builders and those who see non-character subdivision to be their life’s work. Its apparent failure to seriously consider, much less confront climate change in any meaningful way is also of note.

I can only hope that this submission and the many others being made like it will prompt real reflection on the proposed Code and the attendant consultation process. To do otherwise will be politically courageous to say the least, in the sense that term is employed by Sir Humphrey Appleby. It will also take a wrecking ball to the State’s social structures along with its heritage, amenity and character.

Yours sincerely

Mark Laurie