

28 February 2020

Department of Planning Transport and Infrastructure
77 Flinders Street
ADELAIDE SA 5000

By email: DPTI.PlanningReformSubmissions@sa.gov.au
And: DPTI.PlanningEngagement@sa.gov.au

Dear Sir/Madam

Submission regarding Phase 3 of SOUTH AUSTRALIA'S PLANNING & DESIGN CODE (Code) under the Planning Reform (Reform): open to feedback until 5pm on Friday 28 February 2020. Council area: City of Adelaide.

South West City Community Association Inc (**SWCCA**) was formed in August 2012 to give a voice to the residents and community in the South West corner of the City of Adelaide, initially in relation to Planning Reform. This proposal will have an impact on not only the South West City but also the whole of the State of South Australia.

As SWCCA represents a number of residents and community members in the South West City, this submission should not be viewed as one, but as many submissions from the concerned people we represent. ***However, if DPTI views this as one submission, we at least wish that it to be counted as 6, being the number of the Committee of Management of SWCCA, all of whom endorse this submission.***

We became involved with planning, and SWCCA was formed, after the Development Plan Amendment for Adelaide was brought into interim operation in 2012, as it directly affected our community in the South West City. Since then we have worked our way through the various Development Plans, as DPTI carved up the City, then through many sessions relating to the development of the new planning system. With this new system over time, in answer to our many questions, we were told 'wait for the Code – it will all be in the Code'.

The Ministerial Amendment to the Development Plan, which was brought into interim operation on 28 March 2012 was the start of the process for us. The benefits generated by this DPA became apparent. Areas were rezoned, the community was excluded, Local Government was effectively removed, as were numeric standards; all combining to work a treat to enable inappropriate development throughout the City and its Park Lands.

It became apparent that if the same, or, in fact, more severe alterations could be introduced State-wide the resulting development potential would be spectacular. But how to achieve such a bold ambitious plan? Combine all Council Development Plans into a single Code and be seen to include the community from the very beginning.

The Reform process commenced with the intention of including the community from the very beginning and provided:-

- "...an initiative to change the way we consult our communities..."
- "...engagement that will ...foster better planning outcomes that takes account of community views and aspirations..."
- ".....establish trust in the planning process...." and

- “... improve the community’s understanding of the planning system.”

SWCCA believes the Reform has failed the community on all these levels. In fact, the Reform process has achieved the opposite.

SWCCA has looked at the Reform Process, which started 8 years ago, to determine what has been achieved by comparing what we originally had with what is to be in the Code.

The 2012 City of Adelaide Development Plan was a self-contained document consisting of less than 500 pages of easily-understood policies, zones, rules and mapping that had evolved over a number of years. Community, Council and developers all knew what could be built where. We ask you to keep in mind that development resulting from the existing Development Plans in greater Adelaide at that time allowed Adelaide to achieve the title of the 5th most liveable city in the world (since down to 10th in 2018). They were compact, written in plain English and were easily understood. In fact, we believe this was the main problem identified that initiated the Reform process. Developers were forever pushing the envelope and going outside the limits of the Development Plans at almost every opportunity, trying to go higher, wider, leaving out building hard dimensions. Zoning, the community, heritage and numeric values were identified as the biggest impediments to development approvals so it was determined they all needed to be rendered less effective, and now here it is for consultation: the Planning and Design Code!

The State Planning Commission appears to have *simplified* and *clarified* the planning process by incorporating a 400-page plus mapping self-contained document for the City into a 3,031 page incomplete Code, a part of which is a 927 page Council-specific extract from the Code for the City of Adelaide. This is double the size, and contains less information. Also attached to the Code is a separate digital mapping tool and 737 reference documents which include fact sheets, guides, extracts and other tools to assist the general public to navigate the Code.

The Code, which has supposedly combined 72 separate Council Development Plans, has not done so, if the City of Adelaide is any example. Large portions of the existing City Development Plan have not been transferred to the Code, and this leads us to the conclusion that the 400-page document has only been partially included in the 3,031 page document, which, as we have said, contains 927 pages which relate more specifically to the City and has to be supported by 737 documents in a reference list containing fact sheets, guides, check-lists, direction, policies and tools. Our conclusion is that any planning system that has generated a resources list of 737 items is not fit for purpose. It is in fact so complex that many sections have required separate papers to explain the intended procedure/operation.

The current City of Adelaide Development Plan contains 15 zones and 2 overlays. The Council-specific Code extract for the City of Adelaide will contain 14 zones, 14 sub-zones and 20 overlays. How is it possible that the Code can claim to be more easily understood and provide better outcomes when information is missing and with the increased complexity of numerous additional sub-zones and overlays?

We knew our way around the prior legislation. However, we found it difficult to the extreme to make sense of the new Code. We went to several of the sessions put on by DPTI in an effort to get our heads around this but each session mimicked the one before, providing implementation dates and overviews, but it was not until the last, in January this year, that we were given any constructive information on how to access the Code for Adelaide City. To us these sessions seemed to be a method by which DPTI could confirm that we were part of the consultation process – that box was ticked. We despaired in our attempts to use DPTI’s portal, and although we attended many of their information sessions on the Code, we finally resorted to seeking advice from the planning section of the City of Adelaide to work out how to crack it. Once in, it appeared to us that there is very little information in the Code, and unless you know where to dig, those questions still remain unanswered. We had to wade through several thousand pages to find information which related to properties in the South West City.

Members of the community should not have to hire planning professionals to navigate a simplified planning system, and since it appears almost all large developments will be approved “on merit” with perhaps some fine-tweaking of the zoning, we suggest this Reform has proceeded to provide for anything to be built anywhere in South Australia. This is reinforced by the fact that the majority of the Code is subject to change that can be initiated by a request from virtually anyone. This flexibility turns a very complex system into a shambles.

We understand that the document will not be a document when finalised, but digital only, which may be thrilling to DPTI, but strikes fear into the hearts of many people, and brings a new understanding of fear and trepidation to the phrases “the system is down”, “the computer says yes/no” and “garbage in, garbage out”. Our protestations for a hard copy have so far fallen on deaf ears.

Community consultation has been ineffective. If a question was asked at a DPTI meeting that required knowledge of the process, the response was generally that it would become clear when the Code was released. It has not happened. In fact, DPTI is consulting the community on something that is a work-in-progress with many omissions and errors, and when that was queried the response was that the next version of the Code would be better. SWCCA queries how many developments will be built between the introduction of the flawed document and the upgraded Version 2? We also query; how many amendments will result from the unintended outcomes that will need to be corrected in Version 1? How many more versions will be required to get it right?

Our community lives and works here in the South West City of Adelaide. Some of us do not have access to the digital world so there are a number of people who will be ignorant of the changes which affect them and their environment, and in fact they will not be able to access the Code. However, we will all have to live with whatever happens.

Over the years SWCCA has observed that if proponents do not want too much scrutiny, they provide elected members and the community with a 200 or 300 page document that no-one will read, and if they do, the new language used will make it difficult to comprehend. SWCCA is of the opinion that few, if any, members of the State Government have perused this Reform and Code, and yet it is promoted as the best thing since sliced bread. What we have been provided with here is a 3,031-page Code with 737 reference documents and a separate mapping tool that collectively provide an estimated 50,000 pages (not including the digital mapping tool). It would appear that the last thing the Government wants is for anyone to fully understand this process.

A perusal of the draft City of Adelaide submission on the Reform exposes a litany of unsatisfactory alterations included in the Code and a number of significant omissions from it with respect to the City and North Adelaide. The Park Lands, in particular, have been treated very poorly in the Code. For instance, there is no policy that clearly specifies inappropriate land uses and built form development on Park Lands. In addition, there are no policies relating to movement and parking. This puts the Park Lands at further risk of unfettered development.

If this is typical of how all other Council Development Plans have been incorporated into the Code then it indicates a badly formed process full of major errors and omissions that will result in more confusion, rather than clarity.

SWCCA believes the Code will achieve the outcome desired by Government. The entire State of South Australia is to be re-zoned, the councils will be sidelined, the community will effectively be ignored and most numeric values will have been removed, relaxed, or will be rendered ineffective by ‘merit’ assessment of future applications. The result of these actions will combine to effectively enable any development to occur virtually anywhere.

The Code is proposing to replace a one-pathway one-authority process (with the Development Plan as the pathway and the Council as the relevant authority) with multiple pathways and authorities, which will

introduce more complexity and potential conflict. We are continually told that the old system of 72 Development Plans for South Australia is too complex and confusing. The State Planning Commission seems to have missed the point that under the current system only the relevant Development Plan appropriate to the application before them would have been considered, not all 72.

SWCCA's summaries of our prior submissions on Planning Reform from as early as 2013, and thereafter, identified the fact that the Reform itself appeared to be too complex. Trying to navigate the planning Portal has only confirmed our early fears. In all 6 prior submissions we repeated our concerns at the increasing complexity of the proposed Reform. Now that we have seen the draft Code and associated papers, our worst fears have been realised. How does anyone expect us to comment on such a flawed process?

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

Yours faithfully
Susan Collins
Chair
South West City Community Association Inc