



THE NORTH ADELAIDE SOCIETY Inc.

POST OFFICE BOX 60, NORTH ADELAIDE, SOUTH AUSTRALIA 5006

Hon Nick Champion MP
Minister for Planning

7 November 2022

By email only: ministerchampion@sa.gov.au

northadelaidesociety@gmail.com
email is the preferred mode of correspondence

Dear *Minister Champion*

Election Commitment – Planning Review

Planning, Development and Infrastructure Act 2016 – Planning and Design Code

Thank you for making yourself available, with Lucy Hood MP, to meet with the community at Lucy Hood's "Community Catchup" on Saturday 5 November at the Glover Playground, Lefevre Terrace, North Adelaide.

The North Adelaide Society Inc. (TNAS) formally provides to you the 'planning reform' document that was handed to you at that Community Catchup. TNAS asks that you consider and address the matters of concern therein as part of the review process implemented by you (*thank you*) consistent with the pre-election commitment of the Government.

TNAS notes that several issues were raised during the Community Catchup, including:

- Adelaide Park Lands as an iconic feature of Adelaide. The whole of the Park Lands and its figure eight green belt ought to be valued and conserved vis a vis planning and development. Concerns were expressed about recent decisions of government impacting the Park Lands, as well as heritage impacts; the risk of alienating yet more of the Park Lands to uses other than as parklands; and the lack community engagement and discourse.
- Reform and change planning legislation. The legislation needs to bring balance back to planning; to establish definitive criteria (quantitative in addition to qualitative); and enable people (individuals, neighbours, and communities) to participate and have rights in relation to development applications, assessment, and review once again. In effect to reintroduce a balanced, rather than lop/one-sided, system, and to ensure legislative protections and rights operate equitably and not simply for proponents.
- Code changes. To include certainty by use of quantitative criteria; ensure that the character, history, and heritage is fully valued and applied; remove catalyst site notions (that it operates without quantitative limitations is appalling); and demolition controls in relation to heritage and contributory items.
- Community input and engagement. Concerns about the extent to which the concerns of people are heard by their representatives and executive government, and during this review process, albeit there was appreciation for the Community

Catchup and an acknowledgement that the Minister is available to meet with the community.

- Councils as developers. The emasculation of local communities when their local government body and elected representatives become the developer, fail to implement the outcomes of community consultation and the council's own endorsement of those outcomes, fail to re-engage with affected communities, operate in secret, and leave communities without representation or recourse consequent on the council becoming the developer.

There were other matters that presumably were noted by your and Lucy Hood's staff, which are generally consistent with the issues raised in the attached 'planning reform' document.

There is a symbiotic relationship between liveable communities and neighbourhoods and effective community based planning, development, and design. Regrettably, that has been increasingly diminished and substantively denied over the last decade or more; possibly dislodged by the voracious notion that 'any activity is good activity' or the overwhelming influence of the development lobby and interests.

Planning legislation does not reflect the social contract that ought to underpin the planning system to the effect that communities are burdened, not blessed, with planning decisions and a planning construct of previous 'expert panels' devoid of 'community expertise'.

Instead of a system that seeks a balancing of interests, opportunities for creative compromise, and accessible rights for communities and individuals concerned with liveability and neighbourliness, people and communities are left out of the planning system at the most important point at which it intersects with every-day life: at the development application, assessment, and review stages.

A one-sided system leads inexorably to an institutionalised advice and decision-making bias (actual or perceived) in favour of the development industry and especially proponents of medium and large scale development because of their singular appeal rights, and the practical exclusion of communities and individuals concerned for character, culture, history and heritage of streets, neighbourhoods, and localities.

The attached 'planning reform' document provided to you at Lucy Hood MP's Community Catchup addresses concerns and strategic objectives and the type of outcomes that hopefully you will in due course support for legislative and systemic change.

Lucy Hood MP has previously said: "*I believe well planned communities are happier communities*", 22/7/22. We concur with that, and it is obvious from the attached that very many communities are far from happy with the planning system.

TNAS advises that the community of North Adelaide looks forward to being happy in due course:

1. **When** planning legislation is amended to put people and communities back into both the policy and practice of planning and development assessment and review;
2. **When** the strategic objectives of planning legislation and development assessment and review include:

- Local character, heritage, environment, and sustainability at the forefront of development
 - Certainty of rules and accessible local planning
 - Fairness, transparency, and the right to review planning decisions
 - Local future desired character to be paramount
 - Local decisions whatever the proposal size; and
3. **When** the strategic and practical outcomes of planning legislation and development assessment and review include:
- Bringing planning back to local communities
 - Making local future desired character statements paramount in planning assessment
 - Giving rights to communities for accessible review of performance assessed planning decisions in the ERD Court
 - Strengthening and protecting heritage and character conservation and removing demolition of heritage listed items from assessment panels
 - Extending adjacency beyond 60 metres proportionate to the size and impact of proposed development
 - Strengthening environmental, sustainability and climate change performance requirements
 - Removing forthwith “catalyst site principles” that are devoid of certainty and are anaethema to communities
 - Establishing quantitative criteria and standards to provide clarity for what is “seriously at variance”
 - Providing industry & community balance on a State Planning Commission & SCAP, to operate with fairness, reasoned decisions & equal appeal rights
 - Ensuring transparency of assessment, rationale, and decisions by assessment panels (CAPS & SCAP)
 - Requiring unanimous endorsement by the Adelaide Park Lands Authority for Park Lands (re)zoning
 - Dedicating open space levies and funds to create open public spaces, pocket parks and street canopies
 - Adopting the recommendations of the Parliamentary Legislative Review Committee Report on Petition No 2 of 2020 (planning reform).

Obviously, a considerable but achievable task.

However, there are two immediate concerns.

First, TNAS invites you to reconsider and appoint to the panel an expert in community.

- TNAS respectfully indicates that the appointed panel is, like panels before, comprised of persons from the industry (incl. bureaucracy) of planning and development interests and does not include community representation: the end users and sufferers of the product of ‘experts’ and the industry.

- TNAS suggests that an ‘expert panel’ without an expert in community is merely a ‘panel’ from the industry of planning and development. This is not a criticism of the appointees, merely that planning and development again transcends community.
- Expertise about the impacts on the liveability (community, households, and individuals) of persons who must live with the effects and consequences of the variable reality of the outcomes of ‘expert panels’, planning systems, and planning or development decisions, would provide a community recipient perspective that is not apparent from the composition of the current panel.

Second, TNAS invites you to consider extending the time within which the panel will receive initial general submissions.

- It is part of the work of the industry of planning and development that they will have considerable resources and their work time to apply to engaging in preparing and providing submissions to your panel. That is a feature of their ‘costs of doing business’. That is not the case for community groups such as ours.
- Local government elections have been underway and local councils are in caretaker mode. Self-evidently, local communities are engaging in those processes, consistent with the encouragement of governments of every persuasion. That process will resolve in due course and new councils will settle into whatever is the outcome. Nonetheless, engaging with the community in relation to the planning review may not be the most immediate highest priority, although hopefully so.
- While there is much in the planning legislation and system that TNAS would seek to change sooner rather than later, to expect a community based self-resourced group such TNAS to prepare a useful “general submission on issues pertaining to the review” by Friday 16 December 2022 is a tall ask and one which ought to be reconsidered, and some latitude provided, in relation to timing.

Thank you for your consideration. Please confirm receipt.

Your sincerely,

The North Adelaide Society Inc. (est. 1970)

Attached: ‘planning reform’ issues for the attention of the Minister Champion

cc. Lucy Hood MP, Member for Adelaide (*per email*) and *thank you* for organising the Community Catchup

planning reform

Planning must support and protect local character, heritage, environment & the life of neighbourhoods with certainty of rules & criteria.

MINISTER NICK CHAMPION

WILL YOU REFORM PLANNING to Put People & Communities Back into Planning?

We do want:

- ✓ Local character, heritage, environment, and sustainability at the forefront of development
- ✓ Certainty of rules and accessible local planning
- ✓ Fairness, transparency, and the right to review planning decisions
- ✓ Local future desired character to be paramount
- ✓ Local decisions whatever the proposal size

We do not want:

- ✗ An unbalanced, complicated, central planning system
- ✗ Vague and subjective planning guidelines
- ✗ A State Planning Commission largely dominated by the property industry
- ✗ Secret State Commission Assessment Panel
- ✗ The 4,917 page Planning & Design Code

WILL YOU FIX this in this planning review for the people, communities and liveable cities, towns, and neighbourhoods of tomorrow?

MINISTER, IN THIS PLANNING REVIEW PROCESS, WE ASK THAT YOU

- Bring planning back to local communities.
- Make local future desired character statements paramount in planning assessment.
- Give rights to communities for accessible review of performance assessed planning decisions in the ERD Court.
- Strengthen and protect heritage and character conservation, and remove demolition of heritage listed items from assessment panels.
- Extend adjacency beyond 60 metres proportionate to the size & impact of proposed development.
- Strengthen environmental, sustainability and climate change performance requirements.
- Remove "catalyst site principles" that are devoid of certainty and are anaethema to communities.
- Establish quantitative criteria and standards to provide clarity for what is "seriously at variance".
- Provide industry & community balance on a State Planning Commission & SCAP, to operate with fairness, reasoned decisions & equal appeal rights.
- Ensure transparency of assessment, rationale, and decisions by assessment panels (CAPS & SCAP).
- Require unanimous endorsement by the Adelaide Park Lands Authority for Park Lands zoning.
- Dedicate open space levies & funds to create open public spaces, pocket parks and street canopies.
- Adopt the recommendations of the Parliamentary Legislative Review Committee Report on Petition No 2 of 2020 (planning reform).

Will you reform the legislation & code, **Minister Champion**?
Lucy Hood MP, will you support legislative reform to put people, communities, criteria & accessible rights into planning?

In common with others, **we are not happy** – not by a long shot.

In March 2022, these community groups publicly supported planning reform that will bring balance, local communities, certainty, and rights of review into planning.

5049 Coastal Community – Community Alliance South Australia Inc. – Brownhill Creek Association – Burnside Historical Society – Caring About Joslin – Cheltenham Park Residents Association – Coastal Ecology Protection Group – Colonel Light Gardens Residents Assoc Inc. – Friends & Residents of North Adelaide – Friends of Port Willunga – Friends of the City of Unley Society – Friends of Willunga Basin – Holdfast Bay Residents Association – Inner West Residents Group – Kensington Residents Association – Mitcham Historical Society Mount Barker and District Residents Association – Norwood Residents Assoc. – Oaklands Estate Residents Assoc. – Oppose Glenrose High Rise – Prospect Residents Association – Residents for Environment and Character Conservation – SOS Save Our Seawall Glenelg – Save our Shores Semaphore and Largs Bay – South East City Residents Association – South West City Community Assoc. Inc. – St Peters Residents Assoc. – **The North Adelaide Society Inc.** – Western Adelaide Coastal Residents Assoc.

The North Adelaide Society Inc.

We agree that this planning review needs to **ensure that Adelaide remains Australia's most liveable city** with ease of access to public transport, green open space, and vibrant local communities.

We agree that without strong planning laws in place, we risk losing the character of our streets and neighbourhoods.

We agree that good planning and urban development must not compromise on the liveability of our city – the way we live is the envy of many and must not be diminished.

We agree that the character of established suburbs is being erased with poorly considered urban infill; that poor designs infiltrate streets; that setbacks disappear; that on-street parking increases, and the loss of green space, trees and canopies are creating heat spots in our neighbourhoods.

We agree that the new planning system has not by any reasonable measure met whatever was its original intent and has created the opposite of certainty and equity.

We agree that for the last decade and more, planning legislation and planning decisions have created disquiet and a crescendo of community concern and angst.

We agree that poor planning legislation and processes; vague subjective guidelines; patchwork and hasty development; and bad planning decisions affect us today and future generations.

We agree politicians need to address this.

We know what we need

We know how we want to live, and that there will always be development.

Development is not at issue. The issue is the impact and nature of development and demolition of heritage and character.

Development ought to contribute rather than compete with community; it needs to serve and not detract; and the planning system needs to enable and ensure that actually occurs, rather than mere lip service.

We need to protect the character, heritage, and history of our local communities.

We need to ensure we retain and value our trees and grow our tree canopy; and to protect, conserve and create the green spaces and parks for people, environmental wellbeing, and future liveability.

We need to have certainty in criteria, not just vagaries of guidelines and ambiguity of performance.

We need to have design standards that contribute to liveability; are ecologically sound, creative, and visually interesting; and support the desired future character of the streetscape, neighbourhood, and locality.

We ask you to address

Been here before. We speak. No-one listened; no-one heard. We wrote. No-one read.

There have been 'expert panels' in the past, invariably from amongst the industry of planning and development; almost invariably without community representation: the end users and sufferers of the product of **'experts' and the industry**.

An **'expert panel' without an expert in community is merely a 'panel'** from the industry of planning and development.

Reviews and changes during the last 10 years have too often pushed planning backwards and locked out people and communities.

A prime example is the blighted notion of **'catalyst site'**. That appeared out of nowhere, without semblance to the basis on which that notion rests. It needs to be removed forthwith; truly a misnomer.

Performance cannot remain subjectively 'at large', a recipe for poor performance and performance at the lowest threshold.

A reasonable planning system requires certainty, rather than being built on the vagaries of mere guidelines and subjective assessment.

There must be certainty for all concerned based on including clear criteria and definitive quantitative expression.

Planning must include prescribing definitive height, density, heritage conservation, and criteria applicable to future desired character for precincts, neighbourhoods, and main streets within localities.

If people are the core of planning and development for where people live, work and play, why is primacy gifted to a proponent? Why are people, local communities and neighbours relegated to observer status only? People need to be primary and essential participants for effective planning, development, and decision-making. There needs to be a right to be heard with accessible rights of appeal for people, neighbours, proponents, and communities: equitable equal rights.

Planning needs to enable opportunities to achieve reasonable outcomes that are conducive and contribute to improving, not detracting from, local character, history, heritage, liveability, and community.

Planning is not just for developers or the development industry. Effective reasonable planning is inclusive. People participating, being heard, and having real rights. Decision makers and tribunals objectively assessing and relying on rational rules, clear criteria, and qualitative and quantitative bases.

Surely it's not too much to ask for a contemporary planning system to see the light, after all, we used to have such a planning system in the distant past. This state used to be renown for planning.