

The Honourable Vickie Chapman
Minister for Planning and Local Government
Parliament House
North Terrace
Adelaide 5000
20/9/20
[REDACTED]@parliament.sa.gov.au

Dear Minister,

Re: The Planning and Design Code

I urge you to defer the implementation of the proposed Planning & Design Code as well as review the conceptual bases of the Code.

The Code is essentially a very undemocratic document which gives all power relating to the built environment in our suburbs, towns & communities to State Planning Commissioners, unelected people not responsible to people who live in the suburbs & communities. Local councils with immense local knowledge & contacts with communities have been excluded from current and future substantive decision making in the document. Of concern are the ties some of these commissioners still have with the development industry.

Community Engagement has been touted as one of the revolutionary elements of the Code but nowhere are there opportunities for citizens, community groups, specialists in built heritage, conservation and aboriginal heritage able to participate in final decision making about our built and natural environment. The Department of Planning & Infrastructure points to the number of sessions it has organized in the community for citizens to comment on DPTI'S developments in the Code as well as opportunities to provide written submissions. It is important to register the very dismissive behaviour from DPTI staff & Commissioners at these community meetings when legitimate questions were asked. In the What We Have Heard Reports from DPTI it is clear people's concerns and proposals were heard but mostly not acted on & certainly not incorporated in the revisions of the Code. Meaningful Community Engagement has not been adhered to in the development of this legislation.

The application of a one size fits all Code to replace 74 different council development plans is akin to a Stalinist piece of legislation which is dismissive of local differences and may result in a terrible sameness across the city and state. Various zones, sub zones, overlays, general development provisions have been added to this simple template which has led to a confusing, vague document with many omissions, errors & inaccuracies.

In South Australia our built heritage is admired within & without the state. Heritage is not protected adequately in this legislation. The contributory items, the pre-World war 2 houses & buildings, the streetscapes of the inner suburbs & rural towns which Heather Ewert the ABC reporter of Back Roads stated in her program clearly distinguish South Australia are lost in this Code. The demolition controls in the Code are so weak & vague and put at risk this important part of our state. Heritage management needs to be placed under the control of a properly resourced heritage department not a planning department which appears to be influenced by the development industry.

The deemed to satisfy concept for developments currently results in the poor control of new developments. Innovative Planning legislation with stricter controls could provide an opportunity to have sustainable, environmentally sensitive structures which prevent urban heat sinks in this time of climate change, but the Code does not address these critical concepts. The focus of the legislation is urban infill and promotion of demolition of suburban houses surrounded by valuable trees and vegetation. Two, three, four, seven, ten dwellings are allowed where once there was a single dwelling with design, cooling, amenity, and habitat losses not addressed. Current high-rise developments flagrantly flouting heights in current council development plans [developed with communities] but approved by the State Community Assessment Panel as not at significant variance compound these problems of overshadowing, poor design, heat entrapment and loss of amenity. Deemed to satisfy and not at significant variance concepts will allow the development industry to continue to build poorly constructed and environmentally inappropriate dwellings and high rise in the state. These are disturbing planning policy inadequacies.

The Code allows private certification and approval of development applications. Outsourcing approvals always results in a lesser standard with opportunities for abuse, graft and corruption. The Victorian quarantine situation is a current example. The Opal towers situation in New South Wales highlights the risks with private certifications with building. The cladding debacle highlights the cheapest option is the default position for most developers. To assume private certifiers will stand up to powerful developers is fanciful. There will always be guns for hire and the environment and community will be the losers.

I respectfully submit South Australia will not be served by the Planning and Design Code in its present form. An independent review with meaningful consultation with all the stake holders mentioned above in paragraph 3 is urgently needed to develop planning legislation which is innovative, protects our valuable natural and built heritage and promotes good design as opposed to cheap and “packem, rackem and stackem” structures with limited lifespan. I believe DPTI with its fixed ideology is not capable of doing this review.

Thank you for the opportunity to submit.

Yours faithfully;

Mary Rumbold

A solid black rectangular redaction box covering the signature area.