

CONSULTATION ON DRAFT PLANNING AND DESIGN CODE
SUBMISSION FROM CHRISTOPHER SHAKES

[REDACTED] KENSINGTON PARK SA 5068

EMAIL: [REDACTED]

MOBILE: [REDACTED]

Thank you for the opportunity to respond to the proposed planning and design code for South Australia. As a resident and citizen I am opposed to the Code and believe that it should not be implemented without major revision and concerted community consultation designed to strike a healthier balance between the interests of developers government residents and the general community.

The draft Code effectively eliminates the rights of local citizens to influence the environment within which they live work and recreate. This is a grave mistake which will damage the social environmental and economic framework of South Australia. The proposed Code lacks any real systemic mechanisms to enforce minimum standards. This means that the quality of life that we now celebrate will be eroded and eventually destroyed by self interested development that will drive relentlessly towards the lowest costs and poorest quality.. The “liveability” of Adelaide and South Australia more broadly is at stake here.

The rationale for this change is poorly and speciously argued. The benefits of “standardization” for its own sake will come at too high a price. and There are so many gaps and uncertainties in relation to how the new system will work that it is not possible to assess how this standardization process will benefit anyone.

To argue a case for reform based on an assertion that there are too many planning policy documents is like arguing that a library should be closed because it holds too many books.

I have seen no concrete quantified comparisons between the speed of processing of the current system and the alleged improvements that a new centralized online application process will allegedly deliver. Has anyone done this or are we simply relying on a perception, fuelled by vested interests, that the current system is slow and inefficient?

The material that has been provided to outline the new system is tangled and impenetrable to ordinary people and distressingly vague. While I appreciate the apparent commitment to provide as much information as possible through the Planning Portal I have only been able to come to an understanding of what this all means after listening to experts who have broken down this mass of information into a form that people outside the planning and development circle can understand.

There is no single plain English communication that explains these reforms to ordinary citizens. This is a serious failure of public administration that should be addressed before the reforms proceed.

The published information treats all of us as if we are “developers” as if someone who wants to add a room to their house has the same needs and interests as a large scale developer of commercial property. Most people do not fall into this category. Most people care about their overall quality of life and how this might be affected by changes to the physical environment. This perspective is nowhere present in the material you have provided.

Most distressingly the new Code and the mechanisms that support it represent a massive and unwelcome shift towards developers at the expense of ordinary citizens. We as residents and citizens will have no right to know about what is planned nor will we have any opportunity to object. This is a very serious infringement of our rights as residents and citizens. The current planning system is already weighted towards developers who alone have rights of appeal against decisions taken by planning authorities, but at least there is some scope for community members to respond to proposals at an early stage and to have their voices heard. What is the rationale for eliminating residents and citizens from the decision making process?

There is no clarity about how development applications will be triaged. How, and by whom, will development proposals be deemed to be “complex”? What, if any, decisions are subject to appeal and judicial review?

There is a substantial concentration of authority in the State Planning Assessment Commission (SPAC) combined with an unjustified commitment to delegate decision making to “independent” private planners. The SPAC’s predecessor - the Development Assessment Commission - approved over 98% of the proposals it received. An Ombudsman’s investigation found that the Coordinator General had misapplied his referral powers in favour of particular developers by. In light of these facts can we as citizens have any confidence in the SPAC or its delegates?

The proposed safeguards - the Charter and the Codes of Conduct - are the weakest possible measures for bodies that will discharge responsibilities that will ultimately affect the lives of everyone in an area that has shown itself to be especially vulnerable to corruption and undue influence by powerful interests.. We need robust ongoing accountability and transparency to South Australian citizens through State Parliament and a top to bottom commitment to judicial review of planning decisions.

The restricted role that the new system grants to local government is disturbing and unexplained. Local Councils are directly accountable to local people and volunteer Councillors are closely engaged with local community life. Diminution of their role in favour of an unelected Commission and its various delegates is retrograde and undemocratic. Our current development plans are a reflection of a local community’s beliefs and aspirations for their communities, unlike the externally imposed zones in the new arrangements.

The suggestion that various “overlays” will afford protection to local heritage is bizarre and unworkable. How will an “overlay” be interpreted and applied in practice? In this

context are these general conceptual overlays any better than development plans? It seems to me that their lack of specificity will engender more uncertainty not less.

The proposed planning reforms are designed to facilitate the intensification of urban development. At this point we have had sufficient experience of urban infill to understand that there are substantial environmental aesthetic and social costs associated with intensified development. The proposed Code does not address clear and demonstrable risks such as traffic congestion lack of parking parking urban deforestation raised temperatures and energy costs, or simple urban ugliness and at the same time it explicitly denies the rights of community members to raise these matters and to have them addressed.

Added to this are uncertainties about the implementation pathway for the new system and its online application mechanisms, which will not be ready by the time the new system is due to be introduced. Now is an opportune time to open the reform process to wider scrutiny and debate especially in light of the fact that the development industry and local government as a whole have raised severe reservations about the complexity of the new system and the practicality of the implementation timeline.

Thank you again for the opportunity to respond.

Chris Shakes
Friday, February 28, 2020