

**Expert Panel**

sent via email: [DTI.PlanningReview@sa.gov.au](mailto:DTI.PlanningReview@sa.gov.au)

**Minister for Planning, Nick Champion MP**

CC sent via email: [MinisterChampion@sa.gov.au](mailto:MinisterChampion@sa.gov.au)

Dear Mr Stimson and Panel Members,

I write to you, as the State Member for Adelaide, to make a submission to the current review of the South Australian planning system.

As the Candidate for Adelaide, I personally met with, and spoke to, many in our community who were concerned about the planning, design, and development process in our state. During my two-year campaign of community engagement for the seat of Adelaide, I know planning, design and development was a key matter of interests for local residents across the Adelaide electorate.

Now, as the Member for Adelaide, I am pleased the Malinauskas Labor Government is honouring its election commitment to review the *Planning, Development and Infrastructure Act 2016* and the implementation of the Planning and Design Code, with the assistance of the Expert Panel convened by the Hon. Nick Champion MP, Minister for Planning.

Since my election as the Member for Adelaide nine months ago, I have held a significant number of community catchups, including with the Minister for Planning, held neighbourhood meetings at my office, door knocked areas affected by major development proposals or Code Amendments, and been contacted directly by concerned locals regarding specific proposed developments.

As a result of this, I have compiled a list of case studies which I believe provide a cross-section of the planning and development issues being experienced by locals in the electorate of Adelaide. It is important to note this is not an exhaustive list but provides a snapshot of how many locals in my community believe the pendulum has swung too far, and that local residents' voices need to be returned to the planning system.

- **200-206 East Terrace, Adelaide** – proposal for an 11-storey development, including the planned removal of a spotted gum tree. Concerns over a lack of transparency during ERD Court processes, impact on adjacent heritage buildings and the precedent it would set for future development along the terrace. Local residents argue this quiet, residential boulevard, adjacent to the Park Lands, should be removed as a “catalyst site” zone given it is not a commercial street or main road and is at odds with all other catalyst site zones.



- **West Franklin II Apartments, Adelaide** – proposal for a 16-storey apartment building on the former Balfours site that ignores a 2014 Land Management Agreement in place that would require any building on the site to be limited to 25m. Concerns over a lack of transparency during SCAP and ERD Court processes. Stress and anxiety caused to impacted residents in adjacent apartment buildings, who have funded expert advice to battle the development.
- **Scotty's Corner, Medindie** – Code Amendment to rezone Scotty's Motel and two adjacent properties. Failure of the designated entity (DE) to comply with the Community Consultation Charter requirements during its original consultation process. Concerns from residents over a lack of time to respond to the Code Amendment. Concerns a second consultation period downgraded stakeholders' level of influence.
- **5 Albert Lane, Adelaide** – original proposal and subsequent proposal for an apartment/car park block, which residents argued was against the previous and current planning code. Concerns from residents regarding ERD Court processes and a lack of transparency, which resulted in residents being unable to attend subsequent CAP meetings. They were also blocked from being informed of the outcome of proceedings.
- **88 O'Connell Street, North Adelaide** – concerns regarding the impact of a catalyst site in this area, in particular on a historic and character area. Concerns regarding the approved development being at odds with agreed community consultation (i.e., community agreed on an eight-storey development – with the outcome being three, 13 and 15 storey towers).
- **69-71 Melbourne Street, North Adelaide** – height concerns with the developer exceeding zoning requirements. Concerns regarding impact on local residents as a result of an increase in traffic, with the apartment building's carpark entry being from a local residential back street. Major concerns regarding the developer successfully applying for an additional storey, *after* construction had commenced, because it was for "affordable housing."

Other proposed developments raised by concerned locals in my community include:

- 59 Marian Place, Prospect – lack of consultation with the community regarding what the future use of the site would be.
- 13-14 Fitzroy Terrace, Fitzroy – development update, ERD Court findings.
- 29 Dudley Avenue, Prospect – concerns regarding compliance with Development Regulations.
- 38 Elderslie Avenue, Fitzroy – concerns regarding compliance with Development Regulations.
- 39 Myrtle Street, Prospect – concerns relating to the proposed development re: height, design, and scope of site.
- 1 Walkerville Terrace, Gilberton – concerns regarding lack of consultation of the Code Amendment instigated to rezone the Buckingham Arms Hotel.

- Kings Head Hotel, Adelaide – concerns regarding heritage protections, height of development, disruption to residents of the future use of the site and parking.
- 30 Churchill Road, Ovingham – concerns regarding demolition notifications and compliance with Development Regulations.
- 10-14 Witcombe Street, Adelaide – concerns regarding change of land use clarification.

As a result of listening and assisting the community in regards to these specific case studies, local residents have expressed to me that their major concerns include:

- The destruction of local heritage and character in neighbourhoods.
- Unsustainable urban infill and poor-quality design of apartment buildings, as an example, Churchill Road, Prospect, resulting in the destruction of suburbs' character, pressure on local infrastructure and services and an increase in parking congestion.
- Confusion, stress, and anxiety experienced by locals when having to engage with a Code Amendment process. Residents in some cases have had to hire lawyers and planning experts to help them understand the technical and laborious information presented to them, with a short amount of time in which to respond.
- Catalyst sites and the need for improved regulation rather than “carte blanche” development.
- Transparency of ERD Court processes – with a view there are too many “closed-door” deliberations, which also impact the ability for local residents to attend CAP deliberations or be informed of outcomes.
- The ability for developers to submit variations to a development after construction has started to add additional storeys, often under the guise of providing “affordable housing”.
- The lack of local representation on Council Assessment Panels.
- Land Management Agreements being ignored.

As a result of these concerns, residents in my community are calling for:

- More transparent ERD Court processes.
- Increased local representation on Council Assessment Panels.
- Third-party appeal rights.
- Better protection of heritage and character homes in local streets.
- An improved heritage register with a focus on removing the backlog of applications.
- Removal of catalyst sites on East Terrace in the CBD.
- Improved quality and design requirements for urban infill, including ensuring adequate parking, trees, and green space.
- Preventing variations to developments after construction has started to add additional storeys.

- Improvements to the Code Amendment system, including strengthening consultation requirements on designated entities when engaging with local communities.
- Land Management Agreements to be upheld.

I applaud the efforts of the Expert Panel in releasing three Discussion Papers and seven Summary Papers, and for hosting many engagement workshops around the state. I sincerely hope the feedback and comments provided by the Adelaide community assists the Expert Panel further in their deliberations.

I personally believe our planning system should be designed in a way that is of benefit to local residents and results in stronger, healthier and fairer communities – rather than forced on communities against their will and to their detriment.

I wish the Panel well in its efforts to develop recommendations and reforms that will help achieve this outcome.

Please do not hesitate to contact my office on 8269 1838 or via email: [adelaide@parliament.sa.gov.au](mailto:adelaide@parliament.sa.gov.au) if you have any questions.

Thank you once again for considering the feedback of my local community.

Yours sincerely,



**Lucy Hood MP**  
**Member for Adelaide**

16 December 2022