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Community Alliance
South Australia

15th October 2013

For the attention of:
Expert Panel Secretariat
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Submission to the Expert Panel on Planning Reform

Dear Members of the Expert Panel,

The Community Alliance SA is an umbrella organisation for resident and community groups from Adelaide and other areas of South Australia, whose aim is:

'To put the people back into planning and development'

Our association is also a member of the newly formed Coalition for Planning Reform (CPR), along with the Conservation Council SA and the National Trust SA, together representing more than 120 community groups concerned about planning.

We are grateful for this opportunity to give input into the planning review process.

Moratorium while planning reform process is underway.

While we realise that planning reform is occurring as a separate process, we believe that the rapid and significant changes currently being brought about by the implementation of current planning policy by the State Government compromise the chance of better planning in the future, and should be halted while the system is under review.

Decisions currently being made to pave the way for a number of large-scale developments are primarily based on the State's Planning Strategy (predominantly the 30 Year Plan). This Plan came from a flawed planning system seriously in need of review. It does not incorporate integrated planning based on principles of sustainability and so fails to adequately address critical issues such as transport planning, infrastructure provision, and the environment. It was also put together without genuine engagement with the community and stakeholder groups, and without comprehensively addressing the views of experts.

Even if a better and fairer planning system is put in place in the near future, the current decisions allowing development to go ahead will not be reversible. It will be simply too late. Any new planning system will have the difficult task of retro-fitting for badly planned development. The Community Alliance believes this jeopardises the integrity of the planning reform process.

We are calling on the Government for an immediate moratorium on all major planning decisions, including significant changes to planning laws (such as the Urban Renewal Bill) and major rezonings based on the 30 Year Plan (such as the DPAs for the Inner Metro Growth Project and the Playford Growth Project). We believe there is already sufficient capacity to service

growth needs for many years to come, and the call for more large-scale rezoning at this time is predicated on the falsehoods of the 30 Year Plan and the lack of sequencing for these large developments. When a new and better planning system is in place, it should review the 30 Year Plan or replace it with a new planning strategy.

As stated in the Coalition for Planning Reform's communiqué –
 'If the Expert Panel's planning review is a genuine process designed to uncover and correct flaws in the system, major planning decisions must be deferred until it is completed'.

This would help to restore faith that the Government is genuine about planning reform.

Although this is outside the scope of the planning review itself, we hope that the Expert Panel can recommend this to the Government.

EXPERIENCES OF THE CURRENT PLANNING SYSTEM – Overview

These views have been informed by the many meetings, workshops and discussions between members of Community Alliance member groups, since the inception of the organisation around two and a half years ago. Most of the individual comments made by our members are given in the attachment to this submission.

The concerns raised by our members centre on the lack of genuine community, stakeholder and expert engagement in planning, including the failure to draw on the extensive local and broader knowledge and expertise of local residents and community groups, and this contributing to:

- Development at a local level that is inconsistent with desired character and results in loss of amenity for local residents and the community as whole
- So-called 'planning' that fails to deliver sustainable and integrated development at the local, regional and state level

In recent years, poorly planned development is being pushed through at an extremely fast rate, with even less controls in place. This is seen with:

1. The adoption of the 30 Year Plan and its implementation with a rapid series of Development Plan Amendments (DPAs), rezoning city areas for significant changes in building type and height, and greenfields areas for development that can only be described as sprawl.
2. Standardisation of planning processes to reduce so-called 'red tape':
 - Changes to allow private certifiers to assess for development plan consent
 - The introduction of the Residential Code
 - Changes to the significant tree legislation
 - The inappropriate use of Ministerial interim operation powers for DPAs
3. The diminishing role of local government in major planning decisions. This is particularly evident with the increasing number of Ministerial DPAs and pressures on councils to rezone areas for urban development based on the 30 Year Plan, and the processes involving DPAC and the ERD Court. The ability of local communities to have meaningful input into proposals for urban development through their local councils and elected members has been progressively undermined.
4. The almost total disregard for heritage protection that has resulted in the loss of significant heritage items and the character of our built environment, following on from the separation of heritage from the Development Act and the effective destruction of the Heritage Branch.

There is a perception that developers' interests and 'development-at-any-cost' are put above community interests and good planning in general. This fast-tracking is totally inappropriate when occurring against a backdrop of a planning system that is already failing under current demands.

What follows is a summary of how the Community Alliance SA views the planning system and how it is failing, based on community views and experiences.

EXPERIENCES OF THE CURRENT PLANNING SYSTEM – Stages in the planning system

a) Integrated planning

The current system does not deliver integrated planning, based on high quality research, and which integrates early on critical issues such as:

- transport planning including the prioritisation of public transport
- infrastructure provision (schools, hospitals, community facilities etc)
- environmental aspects, including natural resources, biodiversity, energy use, renewable energy and climate change
- food and water security
- land supply
- open spaces, paths and recreation
- social and health aspects
- sustainable urban and building design
- built and natural heritage
- liveability
- amenity (eg access to sunlight, privacy, noise levels)
- employment
- economic viability.

Although the 30 Year Plan designates areas for urban development, there is no adequate transport plan in place, nor policies for tall buildings or urban infill/renewal (for example). These should have been developed prior to or alongside the 30 Year Plan.

Without this integrated planning, development is unsustainable.

b) Developing the SA Planning Strategy

(specifically the 30 Year Plan, a volume of the SA Planning Strategy)

There are many problems with the 30 Year Plan and the way in which it was developed:

- Lack of integrated planning as above, and more specifically:
 - the lack of sequencing of large developments in relation to rezoning and infrastructure provision
 - the lack of any real consideration given to growing the regional centres
- The Plan was predicated on discredited population growth figures, which the government has refused to review or enter into debate on
- Lack of genuine community engagement (see section 2 below)
- Community views given were generally not taken into account
- Lack of options given or explored
- Little rationale given for the directions of the Plan
- Sites chosen for urban development that appear to favour developers' pockets rather than more appropriate sites being chosen, including those that need renewal
- The Plan fails to discourage residential dwellings with a large footprint and few occupants
- Land supply identified by a group of consultants commissioned by the government and working for developers (Growth Investigation Areas Report 2009)
- Growth Investigation Areas Report 2009 only released to the public in 2013 – no opportunity to question it
- The use of promotional material lacking real substance stifled debate

c) Development Plans and the Development Plan Amendment process

The Community Alliance and its members are concerned about DPAs and the process for rezoning city areas for significant changes in building type and height, which are being forced on

communities, and for greenfields areas for urban development that can only be described as sprawl. Many of the problems stem from the 30 Year Plan itself. Issues with the DPA process itself for these rezonings are:

- Lack of integrated planning at the local level, including that:
 - Structure Plans can be extremely vague and lack any detail
 - DPAs allow development to occur rather than directing what type of development must occur and its location
 - There is a lack of infrastructure provision and costing
- Lack of genuine community engagement (see section 2 below)
- Lack of options given or explored
- Development Plans should reflect the desired character and community in the area, and not have to conform to a 'one size fits all' template
- Ministerial DPAs being used without any given justification or accountability
- Ministerial DPAs going against council and community views
- The DPAC process seems to be a 'rubber stamp' for Ministerial and government-directed DPAs
- The inappropriate use of Ministerial interim operation powers (e.g. the Capital City DPA), displaying the worst examples of the failure to consult. Foundations of the Adelaide Oval Footbridge were laid before consultation even occurred, which suggested official contempt for those appealing against the proposal
- Inadequate or no compensation for those impacted by development by a loss of lifestyle, amenity, chosen character or property values (resulting from land being rezoned or approval for development that goes against a Development Plan)

d) Development applications and their assessment

Development Plans should take into account community and residents' views and the desired character of the area. In addition, people rely on these when choosing to live in an area. They are quite rightly angry and frustrated when:

- Development Plans and their amendments have failed to take community views into account, or have been brought about by the necessity to adhere to a planning strategy that goes against community wishes or lacks integrated planning. This can result in anger and frustration when residents are then faced with undesirable development on their doorstep or in their neighbourhood
- Inappropriate and undesirable development is allowed to proceed due to the Development Plan not being robust enough - the wording in Development Plans is often subjective, and includes almost meaningless words such as 'should' and 'if possible', which can be ignored
- Recently introduced changes to allow private certifiers to assess for development plan consent are likely to significantly intensify the problem with the interpretation of Development Plans – private certifiers are likely to interpret subjective issues to suit their client's needs (the owner or developer)
- The process doesn't allow neighbours and the community as a whole to have a say in order to bring about a better development outcome for everyone involved (for example there is no public notification for applications for Category 1 developments, and no right to make an objection):
 - There is exclusion of residents' associations and other interest groups that often have a better understanding of the character and type of development that is appropriate than Council planning staff. This is particularly evident for Historic Conservation Zones, and the current system excludes the input of groups with extensive knowledge and experience of heritage matters into developments deemed to be Category 1 and 2 developments. This often results in the approval of totally inappropriate developments that destroy the heritage character of the streetscape

- Development Plans and other planning provisions do not adequately protect against development that can seriously affect neighbours' property and their amenity, particularly in relation to matters such as access to natural sunlight for residences and gardens, and solar radiation for solar panels
- There is no dialogue begun early on in the process, before time and money has been invested
- Notification of development applications is inadequate and ineffective:
 - Category 2 applications are only notified to owners and occupiers of adjacent land, which excludes other community members and interested residents' groups.
 - The advertisement requirements for Category 3 developments are hopeless and the advertisement is likely to go unnoticed on almost every occasion
- The process for community members objecting to a development application is 'lawyerised' and adversarial:
 - The 10 day time limit for responses to Category 2 and 3 development applications is totally unrealistic
 - The information on development applications is difficult to understand and is often not available to the public
 - It is very difficult for community members with little technical or legal knowledge to produce an effective argument against a development application
- Development Assessment Panels and the ERD Court often give the go ahead to a development that is clearly at odds with the Development Plan and for which there are significant and worthy objections. Even larger non-complying developments are nearly always approved

Many of these problems would be circumvented by having more robust and better Development Plans and other planning provisions, upstream and outside of the development application process itself, to ensure that community views and needs are met.

e) Major developments & Crown and public infrastructure developments

These developments can be removed from the normal planning and development processes creating inherent problems:

- The Planning Minister doesn't have to give justification for declaring a major development
- The proposal often undergo less community engagement than would occur under the normal planning processes
- Environmental factors are often not taken into account adequately
- In some circumstances, public consultation and environmental assessment requirements can be bypassed for Crown and public infrastructure developments.

EXPERIENCES OF THE CURRENT PLANNING SYSTEM – community and stakeholder engagement

These points relate to most or all of the above planning stages.

a) Access to information

Public information on planning and development is often:

- Not available or difficult to find
- Difficult to obtain
- Difficult to understand
- Charged for and too costly
- Given too late

b) Community consultation and participation

- Consultation is too late in the process and frequently appears to occur when a developer and/or government has already committed to, and invested time and money on, a proposal or plan
- Communities affected are not presented with scenarios or a number of real options, but are simply asked to comment
- These comments or preferences are generally ignored
- Consultation is often accompanied by unclear or restricted information
- Timeframes for consultation are often inadequate given the complexity of the issues and information
- Feedback and reasons for decisions are not given
- Developers' interests seem to be put above those of the community
- Developers are often treated as 'stakeholders', whereas local communities are excluded from briefings or meaningful engagement

c) Transparency and accountability

- The Planning Minister is able to make decisions without giving justification or responding to submissions made (eg issuing a Ministerial DPA, the use of interim operation DPAs, approving a DPA, declaring a major development)
- There is no opportunity for public scrutiny of these decisions
- DPAC and the ERD Committee don't appear to make independent decisions
- Donations to political parties enhance the perception that developers are able to unfairly sway government decisions
- Lack of transparency and potential conflicts of interest in outsourcing planning to developers and their consultants eg the Growth Investigation Areas report and developer involvement in preparation of draft DPAs and background documents
- Lack of openness regarding developer consultants, lobbyists or representatives having an influence on planning decisions
- Potential conflicts of interest in private certifiers assessing development applications for development plan consent for their own clients
- The State taking over the role of local councils, but leaving the councils to answer to those most impacted by a development. There is no direct democratic responsibility in the Ministerial control of planning processes as the Minister is not answerable to local communities and the Government itself is only answerable at election

d) Access to justice

Instead of communities, councils and developers coming together early on in the process, to work together on the best development outcome, there is an adversarial quasi-legal framework faced by anyone objecting to a development proposal:

- Challenging a decision is incredibly difficult, requiring legal or expert planning knowledge
- The 'court' process is not designed to engage communities or 'ordinary people'

- The process is costly for community members, financially and in terms of their time
- The process becomes restricted to those directly involved, rather than all those interested of affected
- The outcome invariably seems to be in favour of the development with the reasons not clear to those involved

IDEAS TO EXPLORE – community and stakeholder engagement

Expert Panel Chair Mr Brian Hayes was quite right when he highlighted the need to get people involved early on in the planning process (InDaily 18th Sept 2013). Although it is difficult to capture the interest of community members, before they are directly affected by the actual proposal of development, it is essential that engagement does occur early on, in the formulation of strategies and policies. This will have to involve a change in the current culture of excluding the community from planning and a move towards a proactive approach and a genuine desire to engage and incorporate community views.

If engagement is seen as genuine, with adequate information given, views taken into account, feedback given, and decisions made accountable, there is likely to be far more involvement by community members, leading to a better planning outcome and community satisfaction.

The Community Alliance would like to suggest some ideas for improved community and stakeholder engagement in planning for the Expert Panel to explore:

- Early community engagement occurring before formal planning and development processes are in place
- Increasing the requirement for the use of appropriate engagement tools and specialists
- The provision of alternative development scenarios in the earliest stages of engagement, by government, planners and developers, to empower and involve affected local communities in the progress of the proposal
- The development of a comprehensive and effective community engagement strategy, which is made mandatory for all large development proposals
- The implementation of this community engagement model or template, overseen by an independent public body, following established protocols
- Adequate notification of all those likely to be affected by a large or significant development to make them aware and properly inform them about the proposal early on in the planning process, and to allow reasoned feedback
- Making information on planning and development proposals available publicly through a variety of means such as easily understood graphic models, to ensure no one is excluded from knowing what is proposed, and is able to respond
- The creation of an independent statutory authority responsible to State Parliament to oversee planning and development
- Ensuring decisions made are open, reasoned, and accountable to the above authority, and these reasons are published and not concealed
- Ensuring that decisions made openly address community views given during engagement processes, and are publicly accountable
- Introducing strict criteria for what decisions the Planning Minister can make and why (e.g. for Ministerial DPAs, major projects)
- Clarification of the role of local government and state government in planning and development, ensuring that developers cannot exploit the current division of authority and 'appeal' one against the other (for eg rezonings and development applications)
- Not allowing developers to significantly alter developments (such as adding storeys, extending or enlarging developments) after approval is granted
- Ending any unfair influence of developer consultants, lobbyists or representatives in the planning and development system
- Preventing the outsourcing of planning to developer consultants or representatives who may have a conflict of interest

OUTCOMES WE WOULD LIKE A NEW PLANNING SYSTEM TO ACHIEVE

The Community Alliance SA would like a new planning system that has the following, relating to governance at both the state and local level:

1. Integrated planning

We would like a planning system that delivers integrated planning, based on high quality research and principles of sustainability, and which integrates early on in the planning process issues such as transport planning, prioritisation of public transport, infrastructure provision, environmental aspects, management of natural resources, biodiversity, energy use, renewable energy, resilience to and mitigation of climate change, food and water security, land supply, open spaces, paths and recreation, social and health aspects, sustainable urban and building design, built and natural heritage, liveability, amenity, employment and economic viability.

2. Genuine community engagement

We would like a planning system where governing bodies, developers and communities come together to enter a meaningful dialogue and learn from each other, with the communities engaged from the onset and actively involved in the planning process. Information about proposed developments should be easy to understand and readily accessible throughout the process and this engagement should continue in an open and collaborative manner, from the development of strategic plans to the issuing of building approval.

3. Transparent and accountable decision-making

We would like a planning system where all decision-making is transparent and accountable, and the decision-making process is genuinely independent, independently reviewed and subject to public and parliamentary scrutiny. We believe that the appointed bodies responsible for decision-making should be independent of ministerial or industry control, follow a widely understood set of guidelines supported by the law, and provide access to both the details of the proposal and their reasons for approving or rejecting it. Genuine and extensive expert and community consultation should play a central role in this formal decision-making process.

We would also like to make the following specific points:

- This planning system must include a reformed process for the environmental assessment of development that currently falls outside of the normal processes (including major projects, and Crown and public infrastructure developments) that also meets the abovementioned standards.
- It must protect sensitive areas where particular types of development, such as mining, cannot occur based on environmental, social, economic or cultural criteria.
- Serious consideration should be given to where the responsibility for the administration of planning should lie in order to better deliver integrated planning based on principles of sustainability and to ensure that development is consistent with future needs. Putting 'planning' under the responsibility of the environment portfolio may be a way of better achieving this outcome.
- Although difficult to legislate for, a change in the planning culture towards a proactive approach and a genuine desire to engage and incorporate community and stakeholder views is essential. A requirement for the use of appropriate engagement tools and specialists at the strategy and policy stages is needed to bring this about. A good start would be the genuine and appropriate implementation of the State Government's 'Better Together' engagement strategy for all stages of planning and development.

If the government of 2014/15 adopts this wide planning reform agenda it would regain some level of respectability with the public by distancing itself from the current 'development-at-any-cost' mantra and by supporting planning policies which will be of environmental, social and economic benefit for all.

Forward vision is needed to ensure that planning now is 'planning for the future'!

In closing, the Community Alliance SA would like to point out the difficulty a community organisation comprised of volunteers such as ours has in responding to such complex matters, and that we are not able to cover everything that is important to the community in a planning system. Nevertheless, we hope that the Expert Panel recognises that community views are of paramount importance in planning for our State.

We look forward to participating further in the planning reform process as it progresses.

Yours sincerely,

Helen Wilmore

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ATTACHMENT

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Engaging for Reform



Community Alliance
 South Australia

Points gathered from Community Alliance SA members at a number of workshops and on other occasions

These points were gathered from Community Alliance SA member groups and individual members of those groups, at workshops and on other occasions. They do not necessarily reflect the views of the Community Alliance SA, but have been used to inform its views and this submission.

1. Stages in the planning system

Note that there is a crossover between issues raised under Section 2 “Community and stakeholder engagement” and this section.

a) Integrated planning

Experiences

- With the former Minister for Planning's determination for 'fast tracking' and lack of true community consultation it has left the community in the dark.
- In changes to the Development Act including Significant/ Related Trees it is having some disastrous effects particularly in the amenity of the Hills.
- KEY environmental aspects LEFT OUT
- It's about efficiency NOT effectiveness
- No standard to measure ...NO overview
- Without a healthy environment, the 5 Think Design Deliver themes can't exist
- Loss of character, gardens and urban greenery due to infill housing, including back-yards being filled in with units, is an important issue in the housing densification debate.
- Housing quality is very low – unsustainable.
- Bad links between council policies and policy planning changes (for example on open space)

What we want

- Developments must be sympathetic within the community considering all the needs - human and environmental, health
- The Act should address strategy of national significance - such as food and water security. If not, why not?
- The protection of food producing land from development unless provided for in the Development Act.
- Moratorium on all existing and future DPAs until after review completed.

- As natural resources become more scarce the Development Act should respond to ensure resilience and survival of communities.
- Deconstruction of the Development Act and rewriting with a view to being integrated or more importantly of less power than the EPBC Act.
- Due consideration given to experts (individuals & organisations) in the development & planning process.
- Encourage greater adaptive re-use of old buildings.
- Good information on quality building design.
- Don't build on all the open space. Do a plan on which open space to preserve.
- A system that takes into account the cumulative impact of a number of changes eg the loss of a tree here, a demolition there, so the streetscape or landscape dies and changes - Death by a thousand cuts (it's what's happening to the character of our suburb(s)!
- Consideration of the relationship between the Development Act and other relevant environmental acts such as EPA, NRM etc.
- Need to go back to town planning and include social planning as part of the process.
- Want standing for non-property aspects such as the natural environment, e.g. Trees, habitat, wildlife, rivers.
- Where does the NRM Act fit with the Development Act, and where does the EPA Act fit. Maybe an umbrella to embrace these 3 Acts – need environmental expertise as part of the policy implementation.
- Define amenity in the legislation:
 - Direct sunlight = solar access to dwelling, garden /backyard
 - Plants trees etc. – on your property, in the neighbourhood
 - Noise e.g. from traffic
 - Local facilities e.g. parks, playgrounds
 - Traffic access e.g. driveways
- Preamble to new Act – development to ensure livability in our State.
- Standing of environmental factors
- 10 star + housing.
- Legislation must protect right to sunlight and use of solar panels.
- 'Amenity' should be defined in the Act
- Aligned and integrated infrastructure plans.
- Sustainable design must be incorporated.
- Look at WA's system of planning (and ACT).
- A sustainable population.
- Transport strategy before plan.
- Innovative use of creating green spaces through planting trees, shrubs and plants that are indigenous to the areas, creating vertical gardens, roof gardens and edible gardens and parks, get neighbourhoods involved and schools.
- Historic Conservation zones should not be surrounded by multistory buildings.
- Housing (residential) should not be built on polluted main roads.
- Revoke current legislated tree legislation to avoid desertification and increased temperature.
- Deciding which areas around Adelaide should not be built on
- Development and infrastructure both must be addressed together.
- We need a more holistic planning system and council support for that to happen.
- Planning for Place through integrated and socially inclusive and sensitive urban planning.
- Principles to be developed to ensure health of environment, health of groundwater and other water sources, health of the people living in the area (this includes green buildings, minimising use of fossil fuels, promoting solar energy, innovation in water saving measures, avoiding storm water and waste water dumping, using it instead in innovative ways).

- Developing more bike and walk tracks, minimising car use (eg re-thinking public transport, maybe use vans rather than empty big buses, use social networks to share car rides and there must be thousands of other ideas, get schools involved in thinking of schemes for minimising car use).
- Good background reports:
 - Technical
 - Figures
 - Supporting recommendations
 - Telling us the research done
- Carry out good research:
 - Local
 - Worldwide knowledge
 - Experts
- Integrated planning (all simultaneous):
 - Land use
 - Transport
 - Social
 - Environmental
 - Employment
- Quality of development is paramount – building quality = sustainability

b) Developing the SA Planning Strategy

(specifically the 30 Year Plan, a volume of the SA Planning Strategy)

Experiences

- 30 Year Plan is a developers' plan – not the people's plan.
- Scrap 30 Year Plan – unsustainable, health, traffic, population.

What we want

- Immediate review of the 30 Year Plan
- Review government's assumptions about population growth and distribution to provide a realistic basis for calculation of housing development. Decide on an optimal population.
- All planning to be based on public transport systems – i.e. TOD – and discourage use of personal motor vehicles.
- Urban planning to favour closer settlement based on the TOD principle – e.g. to favour walking and cycling rather than personal motor vehicle use and local shopping centres rather than mega-supermarkets with massive car-parks.
- Urban planning to relate to adjacent local food production (particularly fruit and vegetable) areas where possible. (growers' markets)
- Urban planning to provide for local employment.
- Collate basic principles of sustainable planning and building under conditions of general climate change:
 - Sites subject to flooding (coastal, riverine)
 - Wild forest areas to be preserved at all costs (rather than individual trees)
 - Defined urban areas and dedicated rural production areas
 - Defined recreational areas, including parks
 - Alternative energy sources (wind/tidal)

c) Development Plans and the Development Plan Amendment process

Experiences

- Ministerial DPA - no reason and needs to be changed
- No Minister has ever refused or significantly amended his own DPA? Is this then just an expensive but fatally flawed process?
- Development plans are too vague and subjective, and can be 'ignored'.
- The status of development plans only being guidelines and open to significant rorting.
- DPAC- conflict of interest?CE of NPSP Council also chairs DPAC
- Lack of adequate public notification by councils to residents affected by proposed residential rezoning changes is a big issue in (our council area) at present. Council did not write to residents to tell them their quiet leafy streets were to be rezoned to allow 4-storey flats. Our (name of residents association) had to leaflet residents to give them the bad news in plain English. This has created a huge back-lash for the council and many residents are living with much uncertainty at present.
- The State Planning Office insists on drafting their own and Council's Development Plans with massive repeating of clauses, instead of writing the common set of rules, with the particular being defined with the exceptions or differences – much easier to read.
- The Development Act demands that Councils review their Development Plans every 3-4 years. It took from 1991 to 1998/99 to even get Mitcham Council's DP approved by Planning SA / the Minister, but each return to Council had been re-written.
- Planning system – flawed, we can give examples (same people on DPAC which reports to the Minister on the Minister's own DPA - a Minister has never yet refused his own DPA). This makes the entire process ludicrous and quite obviously unworkable.
- Despite what has been said about the 30 YP - Mt. Barker is a prime example. The developers told the Govt. what they wanted and it was done. (Govt. never denied that money was involved and Mr. Holloway admitted the same consultant was employed by both Govt. and developers)
- Why would a Govt. Minister reject his own DPA - needs to be considered by a truly independent authority. Had this been so, developments such as Mt. Barker and Buckland Park would have been tossed out on grounds of distance from employment, lack of infrastructure, greatly increased motor vehicle use/carbon emissions, environmental damage in areas of endangered species at risk, and flood/bushfire risk - apart from social issues and access to services and transport.
- The system has obviously been designed to achieve a pre-designated result. Why was this ever considered to be in the public interest?

What we want

- Independent assessment of development plans; see all options available in the process
- Change DPAC process - public's submissions need to be taken into account more and written responses to submissions are required.
- Make DPAC truly independent?
- Code of conduct for DPAC (at the moment does not have to have one).
- Do not release documents for public comment during the months of December and January.
- Ministerial DPAs must become more transparent i.e. Meetings of DPAC should be open, reports should be public, summary reports by the Department of Planning should be public.
- DPAC must hold public meetings and should not be allowed to secretly discuss (rubber stamp?) proposals.
- Primary movement for residential / all development should be the council.
- Requirement for the DPAC to publish all reports.
- Legislate for community consultation and making publicly accessible reports that inform the DPA.
- If the DPAC has a list of what it can consider, in terms of public written and oral submissions on DPAs, where is that list? Why does the public not have it?

- There should be requirements for DPAC to address comments made in public submissions on DPAs, and this should be made publicly available before a DPA is approved.
- The Minister must attend public hearings about planning rule changes
- Involve the community in setting criteria for assessment of planning and development proposals
- There should be a requirement for infrastructure provision before DPAs are approved.
- Protection of amenity, for example as a result of infill (this is not likely to happen under Development Act as currently operating).
- Provision should be made for amenity, wellbeing, lifestyle and personal choice. When an area is rezoned these can be affected, and are currently ignored by the planning system.
- Development plans can be too permissive, and often don't stipulate what must be present.
- DPA process – ability for public to speak more than once.
- Body to help community respond to proposed development changes and DPAs (at present the system is unfairly weighted towards developers and the Department of Planning due to the general community lack of experience and understanding of the whole development process and development plans).
- Full and detailed notification for all residents affected by proposed residential rezoning.
- Change of zoning should use mixed media to notify people.
- Development Plans at local level should reflect the individual environment and community, not a State template to conform to a 'one size fits all' formula.
- Consultation with the public before a plan is put together, rather than telling the public what the plan is. (bottom-up approach rather than top-down)
- Interim operation should only be used for heritage DPAs.
- DPAC and all DPAs need full EIS.
- Independent assessment of development plans; see all options available in the process
- All documents informing the DPA must be publicly available – including EIS, DPAC reports.
- DPAs should be in accord with the strategic plans.
- Local Government officers in the process need to declare any potential conflicts of interest.
- Explore alternative processes instead of DPAs.
- Limit Ministerial DPAs.
- Bipartisan and parliamentary ERD committee.
- Development Plans need to have 'must' instead of 'should' and must be adhered to.
- Development Plans need to include good design principles for quality building.

d) Development applications and their assessment

Experiences

- Demolition powers and protection of historical built form.
- Private Certifiers - OK for pergolas, carports and verandahs? But should they be approving their own or their employers plans?
- Relationship between Council and big developer and info – confidentiality provisions
- Lack of notification of neighbours of new development proposal
- Categories - no information; no notification; not opportunity for comment (eg Category1)
- Only some people informed (eg within 500 metres)
- Public consultation in re-zoning and development plan changes should not be a ritual
- Category 1 process- doesn't even get a look in...We have NO say- we are SHUT OUT
- Larger community issues only local community affected (eg. Walkerville)- over a larger community issue of a pump station
- Limited criteria unable to always determine the impact of the development proposal
- intimidating process which favours the applicant and is unfair not equal opportunity (then maybe accused of not responding)

- fast tracking of Category 1 denies opportunity for engagement and better outcomes
- no requirement to report on all types of Development Applications to the public...lack of accountability
- We have been told by the ombudsman staff that Development Plans can be breached by up to 30%. Our observation is that this almost means in any way a DAP wants to. A DAP can decide with each development to breach a different 30% of the plan ie parking one day, building heights the next, floor space, plot ratio etc. This allows what I call the new having privilege over the old. It is like having rules where there are no rules. The breaches are called merit and reinforced by the Environment court.
- Planning staff tell developers/builders to put in a proposal for way over what they want and is allowed so that they can then scale back to what they want which is usually in breach of the development plan. This cons the residents into thinking they have made a gain which in fact is not true. It is just a way of cheating the system.
- We see the system as being biased towards developers and planning staff. Ordinary people who many times only own one asset which is their home, have to comment on a proposal when they are unfamiliar with development plans, there is insufficient time to become familiar and they are up against experts in the field. The system needs to become more balanced and not favour one party almost to the exclusion of the other.
- Our council no longer makes plans available on their website using the excuse of copyright. However books are published but maintain copyright so this makes no sense. It is seen more as a way to make it harder for those affected by developments to gain access to the information they need to make a response. It requires finding time to go to the council chambers to see the plans which often eats into the small amount of time available to respond to Category 2 or 3 applications.
- Our experience is that Development Assessment Panels are easy to stack with pro-development people and this influences the outcomes from the panels.
- The DAP processes are very concerning. A property owner gets one opportunity to present any concerns they have and for only 5 minutes. On the other hand we have seen developers lobbyists be involved in discussion for half an hour. They are then given the opportunity to come back and present again on whatever the panel asks them to do and again present for longer than 5 minutes but the property owner has no right to comment on what is being proposed this time at the DAP. A developer/builder can go and present back to a DAP several times but a property owner can only present once and cannot ask questions or comment on any further presentations by the developer/builder. This is not a fair process particularly when a developer or builder or person wants to build something that is in breach of the Council development plan.
- The ordinary home/property owner is at huge disadvantage in the development arena. Most people unless they work in an affiliated area know nothing about council processes and have no knowledge of the development plans. They are pitted against developers, builders and council planners who know the business backwards and also know how to bend the rules and manipulate the system.
- On top of this they are given only 10 days to put in a submission which takes no account of their personal circumstances at the time or their lack of expertise in dealing with such situations. This is too little time whether or not someone's life is going smoothly and it may very well not be. The lack of balance needs to change.
- The current timelines for responses are too short given someone needs to download hundreds of pages, read and understand a development plan, and develop a written response.
- There is no free advisory or support service to help people who have never been exposed to this process before but developers can afford to hire lobbyists who do all this work for them.
- There is no independent body to hear appeals against Category 2 developments particularly where a developer has given false information to council or the DAP. This should not be the Environment Court.
- Too few people are notified of developments that will impact significantly on their daily quality of life for both Category 2 and Category 3 developments. With Category 2 developments only the people adjacent to the development are notified and have a say. However developments often

impact on a broader catchment of people particularly now with the push for high density and multi storey and so a broader catchment of people should be able to also comment on issues to do with the development in addition to the neighbours.

- The reforms introduced by the state government to streamline the development approval process have not worked for the benefit of the residents or the integrity of historic conservation zones with public notification of only Category 3 notifications the community. Associations are now sidelined from the development approval process. Previously we could provide comprehensive local knowledge of the historic nature of suburbs and understanding of the fabric of the local community into the approval process.
- Many people now only learn about a new residential development in their street or next door when the bulldozer moves in or the builder cuts a hole in the fence. Significant community conflict is now occurring especially when someone is building on a boundary and can remove a fence without informing a neighbour that this is going to occur. There have also developed situations where there are disputes over boundaries that are not resolved before a development commences and result in unnecessary expense and conflict between neighbours as a result. This lack of genuine public consultation and involvement creates a good deal of hostility and bitterness among the general community about development.
- Some concerning examples we have from the changes to the development approval process include people coming home to find a hole being cut into the boundary fence with no knowledge that building is about to happen next door. People having plants wrecked and gas pipes broken as the builder tramples over their property while they build a wall on the boundary. People having stuff stolen from their yards while there is a hole in the fence because the builder does not bother to secure it. Boundary issues that are not resolved before the development takes place and which result in financial loss to the neighbour who tries to fight for their rights. People building two storey houses not installing the frosted windows they are required to install or not following the approved plans anyway.
- We are very concerned that private certifiers being able to now approve plans will lead to further practices that breach development plans and impact negatively on neighbours and corrupt the system as has happened in other states.
- The design of the DAPs was intentionally to remove elected representation from learning and understanding how well their Council's Development Plan is functioning, and whether any changes are needed.
- Private certifiers assessing developments vs. Development Plans = dumbing down the process.
- Overseas it has been learned that the best development results from a thorough and comprehensive and inclusive public consultation process - why has this been avoided here?
- We regularly see blocks of land able to be 'clear felled' and huge 2 storey McDonalds literally filling right across the block of land. These can now be applied for as a Category 1 which means there is no notification at all. Often they are not brought before the DAP but are approved by planning staff.

What we want

- All developments - mandatory disclosure and all changes to be disclosed.
- Council level - non political; not to be influenced by Govt but actually for the people (DAP under ministerial law - council has no control)
- Development Assessment Commission (DAC) - less secretive, more democratic and less authoritarian; should be more open and accountable
- True design body unfettered by government to:
 - Inform the community
 - Mandate for quality design
 - Undertake regular auditing.
- Publish clear criteria for assessment of planning and development proposals
- More notification to affected people of proposed developments, ie less Category 1 and more Category 2 and 3

- Notification and consultation with all adjacent property owners 4 weeks? (for Categories 1,2,3).
- Full notification of all DAs, including Category 1, that will impact on the streetscape in Historic Conservation Zones and Character Areas. Residents' Associations to be entitled to full notification
- Notification for all developments to ensure any potential adverse impacts are dealt with early in the process before 'costly' expenditure and conflict. Notify by more than one method: letter, email, phone call, notice board
- Development applications to be more accessible to the public (No hiding behind copyright to keep plans hidden)
- Consultation notice need to be greater than an advertisement and a notice in the Gazette. Include addressed mail to notify affected people (greater than current Category 2 notifications).
- Notification placed on the property to be developed during the consultation process.
- Plans must be made available on websites must be made available on websites but be made so they cannot be printed out.
- Increase timelines for responses to a realistic level to enable someone to access and digest the relevant DA information, read and understand a development plan, and develop a written response.
- 10 day response time to Category 2 developments must be increased to 4-6 weeks.
- Amend Residential Code and simplify it to meet community standards.
- Developers should not be part of the consultation.
- Residents / property owners must be able to respond to any new information before the DAP.
- Establish a free advisory or support service to help people respond to DAs.
- Independent arbiter in development application process. Council DAP process needs independent person at the end when someone has complained.
- Establish an independent body to hear appeals against Category 2 developments particularly where a developer has given false information to council or the DAP. This should not be the Environment Court.
- Private certifiers not advisable (too open to corruption).
- Prevent streamlining, dumbing down, fast tracking.
- Demolition needs to be part of the development approval process (lack of protection from demolition for existing sound older style character housing in the inner suburbs).
- Current residents should be listened to – not all geared towards future residents.
- Notifications for all development to nearest neighbours – standardized notifications.
- Development Plans should be followed. Merit should be abolished.
- There should be key Principals that must be complied with, if any of these are not met the application should fail, should not be decided on balance.
- Implement development bonds to manage damage from developments.
- Independent (trained, with the interests of local communities), local representatives for assessing development plan applications e.g... Development Plan consent.
- Good notification, for all development applications. Timely notifications.
- Review of the Category system – all should be open for public scrutiny – more notification. Enable appeal rights.
- Compensation for loss of sunlight, loss of house value, damage to property.
- Minister Rau suggested at a recent public meeting following a question that it would be a very good idea for all planning/building applications to be laminated and posted in front of every site which has a planning proposal under assessment (similar to the liquor licensing requirements). When will this happen?
- Mediation process with neighbours. Notification to call a public meeting of people and residents affected. Participation in decision making. Letterboxing of people involved. Information through media and council. Public consultation through council. Notification and timing. Conflict of Interest.
- Establish an independent fully funded planning advisory service.

e) Major developments, crown and public infrastructure

- Major development status needs to be changed
- Major proposals require independent input – don't leave all to one organisation.
- Limit the power of the Minister on major projects and accountable to the people.
- The community's right to have say and participate in proposals for 'major projects'.
- Part way through the process, a 'major development' status was declared.

2. Community and stakeholder engagement

a) Access to information

Experiences

- Understanding the FOI process
- Council Codes of Conduct can interfere with open debate and free speech - councillors threatened by lawyers and CEO
- Council secret meetings - public excluded from working party meetings
- Staff - personnel with information is never available culture of secrecy
- Unclear and misrepresented information presented during public consultation (often by public relations consultants employed by the developers)

What we want

- A week's notice for Council agenda papers to give time to read and digest (eg 5 working days)
- Transparency of information
- Full access to maps, diagrams, planning reports etc and meetings between Councils/Govt and developers.
- Public access to all information as part of the consultation process (no hiding behind "commercial in confidence")
- FOI process - needs to be faster, not delayed and complete

b) Community consultation and participation

Experiences

- Stakeholders and public consultation - excludes stakeholders who had opposing opinions
- Announce and defend approach
- 'We will listen, but we will do it anyway' - public submissions ignored allowing the community to be deluded into feeling their ideas/wants are listened to
- Community not consulted early enough
- Decision made before the consultation
- public consultation - is a 'tick box' methodology, rather than genuine consultation and it has become obvious that 'decide and defend' has been the order of the day rather than 'consult, listen and be prepared to make changes'.
- Even when there is public consultation it is not necessarily considered in the decision making process...lip service...not listened to...only tick the box
- process is done in reverse...no equal input...all done around predetermined agenda
- limited range of options
- they give you the answer...options locked in
- Doesn't matter what you say you don't get a vote
- grass roots people are disenfranchised from decision making

- LACK of informal mechanism for discussions about best way to proceed...lack of flexibility...TOO RIGID with formal approach
- individuals seem to have NO influence on their local Govt and inturn local Govt is bullied by State Govt and sometimes the Federal Govt override all of the above!
- Developers and project organizers should not decide who the stakeholders are for public consultation. They restrict participation in order to achieve a pre-determined outcome.
- Legislative barriers - Under current legislation there is just token public engagement, which can be ignored.
- Pre-determined outcomes
- Non independent facilitation of public consultation
- Public consultation is too late in the process/seen as a negative/seen as holding up the project and a burden/seen as not adding value to the process.
- Tree legislation: 64 submissions well researched and objective listened to but IGNORED by Panel and law makers.
- The ability to leave members of the public out of specific policy planning committees at a council level to leaving out a better mix of views, particularly people passionate about a topic (we have only seen that here on the heritage listing).

What we want

- Wider public consultation and more in-depth information provided to public and more meaningful engagement with residents
- Involvement of communities through the whole process; Councils and govt - can't have community involvement because it clogs the system - need to get rid of this attitude.
- Public involved from Day 1
- Engagement from the start
- Information on 'plans' before they are set- choices
- Wider public consultation and more in-depth information provided to public and more meaningful engagement with residents
- Information on 'plans' before they are set- choices
- All persons affected by the proposal (dependent on a case by case basis) should be consulted.
- An open ended participation in public consultation should occur at the beginning of the development process
- Consultation - listened to – public involved at the beginning.
- Open ended participation in public consultation will contribute to fairness/accountability/a democratic process/a better outcome for all/a better project/a better long term outcome
- Examples of participants:
 - Local Residents
 - Local Government
 - Local Community Groups
 - Wider Community
 - Native Title Holders
 - Input from a range of people with expertise (Universities and Research Institutions)
 - Independent Environmental Representatives
 - All relevant Government Departments, not just one.
- To feel we have been listened to and to have that acknowledged
- To have rules for the process that empower ordinary people
- To have a balanced outcome, where all stakeholders needs have been properly considered
- For the limits and purpose of community consultations to be very clear – so we know what we can influence and what we can't
- Public seminars to be held over a couple of weeks.
- Discuss all options up front
- Engage independent facilitators

- Ability of people to demand a poll if necessary eg, referendum
- People affected by a decision must be part of the process
- Investigate the ability of electronic voting
- Produce a summary of all public meetings to reflect the true mood of the meeting.
- Legislate for community consultation.
- Whole range of options investigated with community and expert input.

c) Transparency and accountability

Experiences

- Political influence on Councils
- (Council) misinformation - public rely on the information (so they are kept quiet) whilst they (Govt) are actually changing the rules
- Commercial development - issues, cultural, no urban boundaries -no consultation; need more open spaces; even writing to the Minister got part answers and a superficial response. The developers and decision makers leave us out of the equation.
- Developers are listened to by the Govt - very hard for community to find out
- Allowing the community to be deluded into feeling their ideas/wants are listened to - then the govt working in secret to actually put into play exactly what they want.
- no feedback and no timely notification of what has been decided and reasons
- process developer led ...no fairness
- behind CLOSED doors decisions and planning
- Vested interests
- Conflicts of interest
- Conflict of interest matters with council not being well addressed
- Lack of transparency and restricted access to information
- People in authority who misuse their power (CEO's, Mayors, Ministers, Public Servants in Government Departments etc.)

What we want

- All elected members workshops to be open to observers
- Justification of closure for ' commercial confidentiality'
- To have a fair and transparent hearing process where all are held accountable to that process
- For all participants to be required to declare any conflicts of interest
- Restrict political donations from developers
- Cutting out local councils having private meetings with property developers and using policy planning as economic development.
- Conflict of interest must be declared both for councilors and employees.
- Get SA a decent and effective ICAC

d) Access to justice

Experiences

- Court documents – did not include the community. Nothing (even if negotiated) is followed through to a satisfactory outcome.
- no appeal (development application process)
- set up parameters which exclude people ie only legal appeal....we require independent non legal body
- The independence of the ERD Court is questionable.
- ERD stacked in Govt favour so any vote is pure farce.

- The Cost! The cost to the community.....when planning and development have not involved community engagement from the start! Financial, emotional, mental, physical, relationships and family, even friendships. This is all from experience, as a lot of the Alliance and its member groups have no doubt also experienced, due to lack of sleep wading through planning and development documents, surfing the internet to gather information, and the stress and the resulting impact this has on family and friendships.
- Also, the cost to the taxpayers and ratepayers regarding the whole process (which appears to be extremely one-sided - against the people/community) and then the health and legal systems regarding the issues.

What we want

- Community assisted to have access to expertise – legal, technical. Money should not be a barrier.
- Protect community members from the fear of legal reprisal for speaking out
- ERD Court should be independent.
- Community should have the same right to address the ‘merit’ of the application as the applicant in the ERD Court.
- ERD Court should ensure adherence to Development Plans.