



Government
of South Australia

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Dr Robert Crocker
Secretary
Community Alliance SA
PO Box 520
GOODWOOD SA 5034

Deputy Premier
Attorney-General
Minister for Planning
Minister for Industrial Relations
Minister for Business Services
and Consumers

45 Pirie Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001
DX 336

Tel 08 8207 1723
Fax 08 8207 1736

Dear Dr Crocker

Planning Reform

I write in response to your letter about improving community engagement within the South Australian planning system.

I thank you for the invitation to attend the community forum at Norwood, which Community Alliance SA organised. I was happy to come along to hear the range of views expressed on our planning system particularly as many were recounted from first-hand experience.

The government acknowledges that our planning system is not perfect. However, my ambition is to make it not only the best in Australia, but also one of the most admired in the world. To achieve this we have established the Planning Improvement Project to examine our planning system and to provide independent, expert advice to the government and Parliament on potential reforms. The Planning Improvement Project will be led by an Expert Panel chaired by Brian Hayes QC.

The Terms of Reference for the Expert Panel require it to consult widely with the community, industry, councils and parliamentarians. To this end, the Expert Panel has established the Planning Reform Reference Group to enable it to hear a wide range of views on our planning system. I am pleased that your association has accepted the invitation from the Expert Panel to be a part of its Planning Reform Reference Group.

With regard to the three resolutions arising from your community forum, I believe it would be impractical and unrealistic to impose a moratorium on all pending and future rezoning. To be effective the suggested moratorium would probably have to be in place until 2016. This is because the Expert Panel must provide the government with a final report by no later than the end of December 2014. Also, before the government could implement a new planning system it would have to draft new legislation and have it considered and voted on by Parliament.

I am advised that the Expert Panel has developed the first phase of its strategic approach to consulting the broader community and interest groups on our planning system. This consultation process has commenced and detail on where community consultation sessions will be held is available at http://www.thinkdesigndeliver.sa.gov.au/get_involved/register.

I thank you for keeping me up to date on the views of the Community Alliance SA.

Yours sincerely



John Rau
Deputy Premier
Minister for Planning

May 3rd, 2013



Hon JR Rau, MP
Deputy Premier and Minister for Planning
Parliament House
GPO Box 464
ADELAIDE SA 5001

Community Alliance SA Inc.
PO Box 520, Goodwood, SA 5034
www.communityalliancesa.org.au

Dear Minister,

I would just like to again extend our thanks to yourself and your CEO, John Hanlon, for attending and participating in the Forum we organised on Monday night. We felt it was extremely important the Government was represented at such an occasion, and it showed a willingness to meet with and engage the community on such important planning matters. I believe all our members were very encouraged by your presence, well as that of Mr Hanlon and Mr Hayes.

We were all heartened by your expressed interest in reforming the current regime, and your government's commitment to implementing the IAP2 Consultation model which specifies that 'good engagement will come from Consultation, Involvement and Collaboration'. These steps if properly followed could lead to a greater acceptance by the community that they have been listened to, and may encourage a greater sense of ownership of place, which is also often missing in new developments (as you heard in our Forum). We were also impressed by your commitment to tidy up the damaging link between donations and development approvals (referred to by Mr Parnell).

However, at present, we feel these aims are incompatible with the way in which your government continues to pursue ministerial directives or DPAs to rezone areas, which under the current arrangements involves insufficient consultation and really denies meaningful engagement processes. This denial is reflected in the 'terms of reference' in the new *Think Design Deliver* which, while covering a review of the processes involved, does not include reference to reviewing the community engagement processes we are asking for, and which your excellent speech encouraged us to hope for. In our view, it would make much more sense, in view of your government's stated commitments to greater community engagement, to suspend issuing these directives until the Hayes committee has broadened its 'rules' to include community engagement specifically, and made its recommendations, or until you can work out a way of implementing a much better system of community engagement on the ground.

Having heard perhaps 40 or more stories so far from community groups and individuals around this state (some of which are reproduced on our website), we are convinced that these legally binding directives issued mostly by your office or that of the various committees charged with this task, invariably lead to negative perceptions of development as a whole, and of your government, whether this is justified or not. As Professor Etherington commented at the Forum, we are 'very good' at this business of development proposals and approvals, but 'not so good at development' itself. Continuing

along the present path you have taken, which often directly conflicts with the community's expectations whilst giving them no space or time to contribute to, be really heard, or engage with the process, does not bode well for the fate of the Thirty Year Plan or for the outcome of the election for the Labor Party next year.

I would like to share with you the resolutions we put to the floor at the Forum, which were accepted unanimously. These demanded (I quote):

- 1. A moratorium on all pending DPAs and future rezonings, until a better planning system is established;**
- 2. A better planning process that includes genuine transparency, accountability, and community consultation and participation;**
- 3. A proper review of the planning system that addresses social planning, heritage, quality architecture and design, environmental protection, economic viability, preservation of farmland, open-spaces, and infrastructure provision including transportation.**

I include for your interest as an attachment a written copy of my introductory speech at the Forum, where I cover more fully the points I made verbally in my introduction. Mr Hanlon, Mr Hayes and yourself might find the points I make useful, since they summarise the typical experiences and views shared by our many member groups.

I should also add, for the record, that as an umbrella group we are necessarily an apolitical organisation, and have no allegiances to any party (including the Stop Population Growth Now Party that Sandra Kanck and Bob Couch were touting during and after the Forum). While the growth figures used to inform the Thirty Year Plan may need re-visiting, we recognise this as a separate issue to that of setting a target for Australia's and South Australia's actual population growth rate. Most people, including the Alliance, are rightly sceptical of Bob Couch's 'no growth' mantra.

In fact, the position of the Community Alliance, based on the views of the overwhelming majority of our members, is that we do not oppose development *per se*, but want a more transparent and accountable system that directly engages with the communities most affected. This might include a review of future growth areas identified in the Thirty Year Plan the Alliance would like to see more development in the true regional areas of South Australia rather than concentrated in the (more profitable) areas of 'Greater Adelaide' such as Mount Barker, Gawler and surrounding areas, so that more could be done for the neglected or even 'dying towns' more distant from our capital.

The Community Alliance asks you to consider the resolutions accepted by the Forum, and would like to continue a dialogue with you about this, in addition to our participation in Brian Hayes' *Think Design Deliver* Planning Reform Reference Group. We are very pleased to have been invited to be a part of this group, even though, as I have indicated, we would like the terms of reference to be broadened to include specific reference to change resulting in improved community engagement.

Again, with many thanks for your attendance, and excellent speech,

With my best wishes,

Yours sincerely,

Robert Crocker, DPhil (oxon), Secretary, Community Alliance SA.

Welcoming Speech to Community Forum

Dr Robert Crocker, Secretary, The Community Alliance, SA.

Welcome to our distinguished guests, our speakers, panel members, VIPs and many members and friends.

We organized this forum to achieve two things:

1. to respond to, and publicize, the well-founded concerns of our many member organizations with the present planning and development system in SA; and
2. to get together a group of politicians and experts to respond to our concerns and to suggest ways through which this present system could be improved.

We believe this system is in crisis. Why?

1. Firstly, this system suffers from a lack of accountability. Most decision-making in planning and development was in the hands of local government, but is now in the hands of state government authorities beholden to the Minister for Planning. Land is either rezoned through a Ministerial Development Plan Amendment, or the councils are forced into producing one the Government wants.

This means we have lost one process, in principle based on locality, community and some form of democratic representation, for another, where the views of those affected are not taken into account, or only canvassed in a very clumsy and ineffective way. In fact the decision is already a 'done deal' and the process of involving the community might 'tick the boxes' but is in reality a sham, as has happened at Mount Barker, St Clair and Gawler. This flawed process is now being pursued at multiple sites around our City.

This lack of accountability goes even further. A local council may reject a proposal for not complying with its own guidelines, as happened with a development application for a massive waste water treatment plant at Callington. But the developer is now encouraged to 'appeal' this decision (or ignore local government) to gain approval without many of the strictures local government must consider, such as local character, social, cultural or environmental impacts.

2. Secondly, this system suffers from a lack of transparency. Only lawyers, planners and other experts are able to really understand the processes involved, and to mount any meaningful challenge to the decisions being made. The people most affected have no chance of being properly heard, if decisions have already been made 'in camera', and consultation is taken to be such a minimal 'tick-box' requirement.

In the re-zoning of Mount Barker, which was supposed to be a response to the Thirty Year Plan, the decision was made in secret, and on the basis of what is likely to have been tainted data and likely conflicted interests, and then announced to the incredulous people. No wonder the residents were not happy! Quite rightly, there are now questions hanging over the rest of the Thirty Year Plan and the selection of land for urban development. This has become a rolling PR disaster for the government that no amount of ministerial spin seems to be able to fix.

3. Thirdly, the system ensures consultation is minimal, and privileges PR and marketing rather than real community engagement. Even when a proposal is first made public, it is presented in a way that denies ordinary people meaningful opportunities to understand it, respond to it, or object to any aspect of it that they feel may negatively affect them, their property or their amenity. When imposed in the cavalier, ad hoc manner pursued at Mt Barker, St Clair and Gawler, and now at Burnside, Norwood, Prospect and Unley, this can be grossly unjust and become an almost automatic vote-loser.

The worst examples are when the Minister has used his 'interim' powers to effectively rezone land for development immediately, without any community consultation whatsoever, as with the Capital City DPA. No one wins in a situation where such bad feeling and distrust is aroused between community and government, and between developer and community. This is made worse by Planning officials claiming (after approving a \$40 million dollar footbridge 'through a legislative back door') that real consultation is 'too expensive'.

4. Finally, this system lacks independence and encourages conflicts of interest and cost-shifting. When 'fast-tracked' approvals are granted to developers with close relationships to government, too often the real costs to the surrounding communities are never made public. This can result in the alienation of valuable public assets without any real community gain. So for example at the St Clair reserve at Woodville the 'land-swap' shifted the cost of remediating the abandoned Actil factory site away from the developers. Instead, the developers (originally an 'arm' of the government), were given a pristine 'green-field' site, privatized through a secret deal, which like Mt Barker, again, became the subject of a costly Ombudsman's investigation. Again, this is a sure-fire vote-loser for any politicians involved.

Conflicts of interest are also encouraged through the 'progressive' privatization of oversight, so a 'certifier' paid by a developer is supposed, magically, to become an independent agent, free of any obligation to his employer. At Henley, for example, the certifier 'signed off' on recommending the continuous pumping of a very large volume of ground water 'away from' the site onto the beach, the least responsible solution available, and one that is still under investigation by the Department of Water. Again, in 'saving money' and 'saving time' we end up with a costly, complex mess, which resulted in the developer losing money, and whose environmental costs will ultimately be paid for by the local community and the new owners.

If you want more details on these and similar stories, and why we have come to believe that the system is 'in crisis', go to the Community Alliance website, and to those of our many member groups.

The second, and more important business of this forum is to answer the question, how do we fix this? What can we do about it? For this reason each speaker and panel member was asked to prepare themselves by considering the following related questions:

- How can we develop more robust, transparent, accountable and consultative processes for all development and planning in this state?
- How might we develop more responsive forms of community engagement and consultation within these more formal processes?
- How might we include the really important bits that tend to get 'left out' of the present system, such as social planning, heritage, environmental protection, economic viability, transportation, open-spaces and access to services, within these processes?

Rather than try and suggest what might be an answer to these questions, and we all have our ideas (and frankly, 'Blind Freddy' might have a few, since some issue we are facing clearly fall within the scope of 'Ethics: an Idiot's Guide'), I would like to thank you for your patience, and hand over to our valued MC, Mr Tim Horton, who will introduce our keynote speakers and then moderate the Q and A session with the panel which will follow afterwards.

Tim will be an excellent 'Tony Jones' tonight. He is recognised nationally as a thinker on design, innovation and governance practice and has a keen interest in public architecture and civic space. He has held a number of key industry appointments including: Chair of the National Practice Committee of the Australian Institute of Architects, South Australia Chapter President and National Councillor. In 2005, he moved to Adelaide with his family to lead the team delivering UniSA's Hawke Building on North Terrace. Tim was, until recently, the Chair of the Integrated Design Strategy's Leadership Team. Tim is now involved with the recently created "Committee for Adelaide", which has a vision to drive economic growth for the city and to generate evidence-based ideas.