

South Australia is Our Backyard

Community views of the new planning system

Report on the public forum
Held on Wednesday 21st October 2015
at the Burnside Town Hall (the Ballroom)

The Government's planning reforms will change the way our State, city, suburbs, neighbourhoods and backyards are planned and developed. The Community Alliance SA held this public forum to highlight community views of the reforms and to encourage wider public debate.



“Placards around the hall helped to generate a feeling of community engagement and vibrancy at the forum and provided a great atmosphere” – Tom Matthews, Community Alliance SA President.

Attendees

Around 300 people attended the forum, and they came from the around the city, country areas and regions. Besides members of groups within the Community Alliance SA, there were representatives of various other organisations, state politicians, councillors and other members of the general public.

The audience included: Melissa Ballantyne (Environmental Defenders Office), James Blindell (formerly with the Environmental Defenders Office), Lisa Teburea (Local Government Association SA), members of Aurora Heritage Action, members of the O-Bahn Impact Alliance, Darian Hiles (Australian Civic Trust), Lyndell Davidge (Hahndorf Branch National Trust SA), Rachel Sanderson MP (State Member for Adelaide), John Darley MLC, Vincent Tarzia MP (Member for Hartley), a representative from the Office of Kelly Vincent MLC, Mayor Karen Redman, Deputy Mayor Ian Tooley & Cr Adrian Shackley (Gawler Council), Mayor Simon Brewer (Campbelltown Council), Cr Sandy Wilkinson (Adelaide City Council), Crs John Kemp & Lynton Vonow (Adelaide Hills Council), Crs Kristina Barnett, Alison Bowman and Mark Groote (Prospect Council), Cr Graham Webster (Walkerville Council), Crs Steven Rypp & Cindy O'Rielley (West Torrens Council), Cr Jillian Whittaker (Campbelltown Council & LGA Vice-President), Crs Greg Morrison, Carol Bailey & Ian Grosser (Mount Barker Council), Cr Peter Jamieson (Port Adelaide Enfield Council), Crs Mark Ward, Lindy Taeuber, Andrew Tilley & Stephen Fisher (Mitcham Council), Crs Sophia MacRae, Kevin Duke, Sue Whittington and Evonne Moore (Norwood, Payneham & St Peters Council), Cr Rufus Salaman (Unley Council), Crs Brent Walker & David Woodforde and Matt Dineen, Strategic Planning & Special Projects Officer (Copper Coast District Council) and Marianne Hocking, Senior Development Policy Planner (Onkaparinga Council).

Introduction to the forum

Dr Iris Iwanicki **Planner and past President, Planning Institute of Australia (SA)**

Iris has over 30 years experience as a planner and historian including in her work for Local Government and private consultancies, serving on Development Assessment Panels, and as the President of the SA Division of the Planning Institute of Australia.

Iris acknowledged and thanked Planning Minister John Rau for taking the time to attend the forum. She then quoted Prime Minister Malcolm Turnbull announcing the new "Cities" portfolio at the Federal level and stressed the need for all levels of government to work together and to recognise the importance of people in the process. Iris added that this applied to the whole of the State rather than just cities because of the importance of rural production in South Australia's economy.

Iris compared the Planning, Development and Infrastructure Bill to the proverbial parson's egg - good in some parts but bad in others. She pointed out that a fair bit is missing and will be coming out over the next few years and so this is not a 'complete egg'. The good bits include:

- The protection of rural land capable of long term food production from urban expansion.
- Recognising the importance of regional planning as well as city planning in improving the state's economy.
- Improving consistency within the planning system and reducing unnecessary red tape.



The aspects that were particularly 'on the nose' are:

- The removal of local government involvement in key policies and decision making.
- The reinforcement of statutory planning policies generally as being only advisory, resulting in uncertainty when it comes to the assessment and decision making.
- The reduction in people's rights to be notified or represent concerns about proposed developments.

Favourite quote:

"There are lots of good things about the Bill but the parson's egg has rather nasty bits too. There are a couple of things that stink – local governments being sidelined and the elimination of notification of development proposals in certain categories. The way local government and the community are being treated almost borders on contempt, with respect, Minister".

The MC, Mike Smithson (Channel Seven's Chief Political Reporter) described himself as a loyal and long-suffering Burnside Council rate-payer and said that *"For the record, I'm not taking sides or supporting any side of politics in tonight's discussion, but I do have my own theories on past planning decisions and I see a need for change"*.

Mike introduced the keynote speakers and then chaired the Q&A session as panel members were put through their paces on a variety of contentious issues surrounding planning reform.

Keynote speeches



Hon John Rau M.P.

Deputy Premier and Minister for Planning

John Rau is a barrister and politician, and has been the Australian Labor Party member for Enfield since 2002.

John Rau spoke in support of his Government's Planning, Development and Infrastructure Bill 2015. He said that the Bill is the result of two and a half years of consultation by Brian Hayes and the Expert Panel, and that "Talk that there hasn't been consultation is absolute rubbish".

Minister Rau said that the Planning Bill focuses front and centre on community engagement – on the stages upfront when planning policy is set. He likened this to people helping to form the rules of a soccer match where, once the rules are formed, the players must play the game and not argue about the rules.

He also said that the Government is going to be moving its own amendments to the Bill when Parliament resumes in the next week.

Favourite quote: *"People need to be involved in making the rules in the first place - we need more real community engagement upfront"*.



Steven Griffiths M.P.
(Liberal) Shadow Minister for Planning

Steven is also the Shadow Minister for Regional Development and for Local Government. He previously worked for several councils in South Australia and New South Wales, including as Chief Executive Officer. His interests include infrastructure investment and development in regional South Australia.

Steven Griffiths began his speech by saying that he is pro-development and is in favour of the triple bottom line of economic, environmental and social sustainability.

He talked about the consultation process for the Government's Planning, Development and Infrastructure Bill, and asked why there was a desperate need to ensure that parliamentary debate occurred and the Bill is passed before

Christmas. He said he wants to ensure that concerns raised with him are brought to Parliament and there are many questions and unknowns.

Steven expressed doubts that this Bill would allow a place for local government to be involved in future planning decisions. Although he didn't say what the Liberal position would be on the planning reforms, he said that as, a minimum, he will ensure the issues raised with him by the public will be raised in Parliament.

Favourite quotes:

"I have frustration with the consultation undertaken on this legislation including with the public, the development industry and councils. I can't find anyone who is happy with this Bill".

"I am carrying around two enormous boxes of submissions with me. I work on the basis that changes to the legislation, whatever they may be, have to be an improvement on what already exists".

"The fact that you and community organisations continue to make representations is part of democracy and how it works well".

Hon Mark Parnell MLC
Parliamentary Leader of the SA Greens

Mark has degrees in Law & Commerce and a Masters degree in Regional and Urban Planning. He is the only qualified planner in the South Australian Parliament and is a member of the Environment, Resources and Development Committee of Parliament.

Mark spoke about what he sees as the main problems with the Planning, Development and Infrastructure Bill. He said one of the problems is that, while it has mandatory provisions for a Community Engagement Charter, they can't be enforced. During his speech, Mark posed a series of questions that highlighted the shortcomings of the Bill, such as:



- Does the Bill get the balance right between economic, environmental and social factors?
- Does it recognise the role of local Councils as responsible for managing the consequences of developments day to day?
- Does it give Parliament the power to reject bad planning policy?
- Does it put People back into Planning?
- Does it give citizens more or less rights?
 - Will the Community Engagement Charter work?
 - What rights do we have to go to the umpire when bad decisions are made?
- Does it limit the Minister's power to:
 - Over-ride local communities?
 - Fast-track favoured developments?
 - Abuse interim operation powers?

Mark illustrated the flaw in limiting public participation to commenting up-front at the policy stage by using two well-chosen slides that received strong audience applause:



Favourite quotes:

"I can see no reason to change the current model (for development assessment panels) where you have a mix of experts and elected members - the model is working quite well".

"The rights of citizens to engage in planning have been eroded for decades – this Bill continues that erosion further".

"We have to get this right because the consequences of getting it wrong will last for decades".

Q and A Panel Members

Mike Smithson introduced the panel members, who spoke briefly on their views of the proposed new planning system:



Carolyn Wigg
Community Alliance SA representative

Carolyn Wigg is an architect with extensive experience in architecture, heritage conservation, and urban and regional development. She is a member of the SA Heritage Council and represented local government on the Development Assessment Commission for seven years. She is also a former councillor and Deputy Mayor of Walkerville Council and has served on the State Executive of the Local Government Association.

Carolyn presented the opening statement from a community engagement charter developed in New South Wales by community-based organisations. She said that the 5 principles could be developed by the Planning Minister or by the community.

Favourite quote:

Carolyn responded to Minister Rau's statement likening the new community engagement proposals to allowing people to set the rules of a soccer match by saying: *"It's good to have rules but developers don't already play by the rules and I believe as a spectator at a soccer match we should have the chance to boo and for bad players to be called out"*.

A Community Engagement Charter

Our vision is for a planning system that thinks of both today and tomorrow; is built on fairness, equity and the concept of Ecologically Sustainable Development; guides quality development in the right places; ensures poorly designed developments and those in the wrong place don't get built; and protects the things that matter, from open spaces, bushland and productive agricultural land to much-loved historic town centres and buildings.

From "Planning for people: A Community Charter for Good Planning in NSW", thecommunitycharter.org



Craig Wilkins
Chief Executive, Conservation Council SA

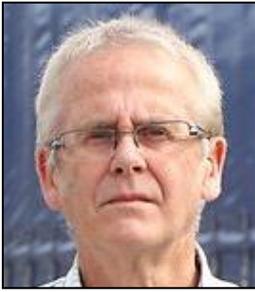
Craig represents the Conservation Council of SA, which is the state's peak environment organisation representing over 50 environment related groups. Craig's specialties include political and strategic advice, community campaigning and policy development. He has previously worked with the State Government, the SA Council of Social Services and in State Parliament.

Favourite quotes:

"The decisions we make and the built form we create today will last into the future and will be here in 30 years".

"When I look at the objects of the Bill, it worries me that I see the stripping away of the environmental and social good, leaving just the economic good".

"This Bill enables good ministers to do good things and bad ministers to do bad things – we need some protection to make sure it can't be abused in the future".



Kevin O'Leary
Urban planner and commentator

Kevin worked for Planning SA for over 25 years, including on project management for a draft urban growth management plan for Adelaide, and has also had planning roles for councils in Melbourne. Kevin is a regular columnist for the Adelaide Advertiser.

Kevin outlined what he sees as some of the main issues with the Government's planning reforms, including:

- The current poor quality of Development Plans and their policies.
- The advisory nature of policies in Development Plans whereby "should" can be ignored and in many cases needs to be replaced by "must". He said that, despite the planning review process, the Government hasn't faced up to, let alone dealt with, this issue.
- The many decisions made by the State Government that are highly politicised.

Favourite quote:

"One of the main problems with the current system is that policies within Development Plans are advisory guidelines and every man and his dog is interpreting them in a different manner".



Dr Darren Peacock
CEO, National Trust of South Australia

This year the National Trust celebrates its 60th year of protecting, preserving and promoting South Australia's built, natural and cultural heritage. It is a membership-based community organisation, which more than 50 years ago began the first listings of heritage places with the aim of securing their survival into the future.

Darren outlined the National Trust's concerns with:

- The centralisation of authority and decision making.
- The removal of publicly elected local representatives from decision making.
- The inadequacy of the proposed 'Community Engagement Charter' and the significant losses that would be seen in public participation, transparency and accountability with the system outlined in the current bill.
- The impacts of the changes on local heritage protection. Darren said there are around 10,000 locally listed heritage places in South Australia, and the proposed Planning and Design Code will hold the key to whether these protections are maintained, strengthened or ripped away.

Favourite quotes:

"We really need to look at what kind of values are enshrined in this legislation and we particularly need to look at conservation".

"At the moment the (Planning and Design) Code is an opaque black box. Surely before the legislation proceeds, that code must be developed, made public and debated. If not, the legislation is simply writing a blank cheque to the Minister to do whatever he chooses, with a minimum of public input and accountability".

Q and A session

Mike Smithson posed some of the multitude of questions previously submitted by members of the public, and other questions came 'live' from the audience. Here is a snapshot of the questions and some of what the Q&A Panel Members said in reply:

Qu. Governments of all persuasions around the world, including Australia, have signed agreements on economic development being undertaken with reference to the principles and national, state and local frameworks of ecologically sustainable development. In addition, the State Government is currently investing in a push for South Australia to transition to a low carbon economy, and at the centrepiece of this is the principle that good, long term strategic development produces positive environmental and social outcomes as well as economic outcomes. Should the government therefore be called to account for removing ecological sustainability from the Objects of the Act when drafting the new Bill? Are we creating a system that meets the scale of the problem – carbon, water, energy, transport – and creates an environment for building for 100 years?

Carolyn – *The Bill is silent on sociological sustainability and environmental sustainability and that is a big deficiency.*

Qu. The Minister introduced the Bill without it going through a prior consultation process. This is surprising given that the Bill has some significant departures from the planning review recommendations. What are the dangers of this Bill being rushed through Parliament?

Darren – *The question we have to ask is "What's the rush?". There is an unseemly haste and arbitrary deadlines.*

Qu. Is the Minister obsessed with high-rise and infill and squeezing in as many people as we can into a small area?

Kevin – *The Minister is forgetting about the quality of development and careful consideration should be given to the developments that are occurring.*

Darren – *We need to be a lot more creative.*

Craig – *It's a question of balance. There is a tension about urban sprawl and the alternative is to do infill, but it's about having good, human scale infill.*

Carolyn – *Mixed use developments and small increases along main streets are good, but it's about human scale and we have to be much more clever about how we do infill.*



Qu. To provide some protection for the parklands the Rann Government amended the Development Act 1993 to exclude the operation of section 46 (major projects) and section 49 (Crown development and public infrastructure) in the parklands. The current State government has eroded this protection across a number of park zones, allowing no public notification or consultation and no appeal rights. Embedded parkland protection will be no more. How can further surreptitious construction on our parklands, which are listed on our national heritage list 1836 as a historic site, be stopped?

Craig – The planning system should reflect our values and, if those values include protecting the Parklands, then the planning system needs to reflect this.

Kevin – Our parklands should be preserved at all costs and most developers would want them preserved as an asset.

Qu. Where is this magical demand for accommodating a lot more people and when did the Government ask the people of Adelaide whether they want to cram in another half a million people?

Craig – One of the assumptions of the 30-Year Plan is the population projection and during its revision they are again choosing to take the high population projection. Reality hasn't matched the projections we are planning and building for.



Qu. What can we do to work as a city to say we're not happy about what's happening?

Kevin – The public can push for better policies. I've been to many Development Assessment Panel meetings and, at most of these, you will not get two experts agreeing on what is good design. What we've got to have are strong policies and Development Plans, precisely written with weight given to the really important policies.



Conclusion and outcomes

At the conclusion of the Q&A session, the Community Alliance SA proposed a resolution in the form of a “communiqué” that summed up the community’s views and our representative Carolyn Wigg asked the forum whether it would adopt this:

The community forum rejects the Planning, Development and Infrastructure Bill 2015 and calls on the SA Parliament to oppose the Bill in its present form as it fails to recognise:

- **That Ecologically Sustainable Development must be an overarching objective of a new planning system in South Australia**
- **That a Community Engagement Charter supported by the State Government must be developed and mandated to enable community input into planning policy and development assessment**
- **That Council Development Assessment Panels must retain the involvement of elected members**
- **That “Heritage must be placed on new foundations” as proposed by the Expert Panel**
- **That the Planning Commission must be independent and at arm’s length from the Minister for Planning.**

This forum empowers the Community Alliance SA to initiate actions to “Bury the Bill” and to call on the State Government to “Put the People Back into Planning and Development in South Australia”.

The communiqué was endorsed by the audience with a huge display of approving hands held up in support, and Carolyn said that Community Alliance SA President Tom Matthews has plans to follow up with actions to “Bury the Bill”.

President Tom Matthews thanked all of the participants in the forum and Helen Wilmore for organising what was a very successful event. He also thanked everyone who had helped – there were many and it was a great team effort.

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All photographs by Helen P. Wilmore