To Whom it May Concern,
Please find attached a considered response to the draft Planning and Design Code released for consultation towards the end of 2019.

Regards,
Greg Perkin
Attention: State Planning Commission/ DPTI Engagement and Planning Reform Team(s)

Thank you for the opportunity to comment on the draft Planning and Design Code released in 2019 and subsequent updates released through various supplementary documents.

As a trained and experienced planner who has been lucky enough to practice in New Zealand where they understood what “planning” and “systems” were 40 years ago, it would be heart-warming for my home town (Adelaide) to make a generational jump and actually reach those same heights. This latest try comes nowhere close.

My response relates to the following extract from the Planning, Development and Infrastructure Act 2016:

Part 2- Objects, planning principles and general responsibilities

Division 1- Objects and planning principles

12- Objects of the Act

(1) The primary object of the Act is to support and enhance the State’s liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State’s communities by creating an effective, efficient and enabling planning system, linked with other laws, that –
   a. ... 
   b. Provides a scheme for community participation in relation to the initiation and development of planning policies and strategies.

(2) In association with the object referred to subsection (1), the scheme established by this Act is intended to –
   a. Be based on policies and practices that are designed to be simple and easily understood and that provide consistency in interpretation and application; and
   b. ... 
   c. Promote certainty for people and bodies proposing to undertake development while at the same time providing for innovation;
   d. ... 
   e. ... 
   f. ... 
   g. Promote cooperation, collaboration and policy integration between and among State government agencies and local government bodies.

13- Promotion of objects

A person or body involved in the administration of this Act must have regard to, and seek to further, the objects established by this section.

....

Division 2 – General duties and coordination of activities

15—General duties

(1) It is expected that a person or body that –
   a. ... 
   b. performs, exercises or discharges a function, power or duty under this Act; or
c. takes the benefit of this Act or is otherwise involved in a process provided by this Act,

will—

d. act in a cooperative and constructive way; and
e. be honest and open in interacting with other entities under this Act; and
f. be prepared to find reasonable solutions to issues that affect other interested parties or third parties.

System
Noun
A set of things working together as parts of a mechanism or an interconnecting network; a complex whole.

Unfortunately it seems that the draft released for comment, and subsequent ‘supporting’ documents, fail to demonstrate elements that work together nor as standalone pieces. This coupled with the dismal attempt at a genuine effort to communicate the changes to an unsuspecting community make a mockery of the Community Engagement Charter which promised so much.

Not since the Y2K bug scare of 1999 have so many people been duped into paying for something they didn’t need. The idea that Local Government can pick up the tab for the (as yet) non-existent/untested e-planning system is a misnomer. Local Government does not have money in its own right and must fund this through fee for service OR rate rises.

Rate rises are paid for by average home owners. Which of course plays into the hands of State Government who rejoice in pointing the finger of blame at Local Government, all the while contributing to additional cost shifting.

Well, the joke’s on the State Government, because the average punter doesn’t know the difference between state and local government and just thinks all government entities are the same bunch of “b*stards” who suffer from infighting.

But the reality of this is that the majority Baby Boomer population of SA (or at least those lucky enough to have decent Superannuation) has just seen their retirement funds decimated by share price plunges in the last few days off the back of the Australian Bushfires and effects of Coronavirus. And now their one ‘safe’ asset, their home will be subjected to rate rises all for the glory of developers being able to lodge their applications on line- which most Councils already had processes in place to do anyway.

Further to this, the average Boomer who wishes to add value to their home; add a carport for their 4WD or Caravan, or try for a one into two subdivision; will now be required to wrestle with an online ‘system’ when they would much prefer an outing down to the local Council to lodge in person while they complain about why their Council is not implementing a cat curfew - all in the name of avoiding social isolation, and trying to remain relevant in their twilight years.

You might be wondering, ‘how did a tech-phobic Boomer even manage to find this consultation/engagement program?’ given that you only promoted it online at a secreted-away e-planning ‘portal’/webpage? Oh, you see I was one of the ‘lucky’ ones who actually received notification- due to the fact I own a property in a Historic Character Area. Although it appears likely, this was only as it had been specified in the Act/Regs that this was required, or else I might have still been in the dark, as my co-owner is. (You see, I should point out your sexist approach by you not also advising my wife who is an equal co-owner of the property).
Interestingly, the letter received in this regard was also misleading, as it appeared to indicate that the identified property (the one I owned in the Historic Conservation Zone) was the only property affected by the impending Code. There was no indication that the draft Planning and Design Code might impact on properties outside of the Historic/Character areas.

I also own property which fell into Phase 2 of the Code- and received no notification about that whatsoever.

Another property I own within in the City of Adelaide adjacent to a Zone in which (as a result of the draft Code) development may be Deemed to Satisfy even if multiple storeys (possibly 6+)*, did not trigger any kind of notification through this ‘engagement’ process, despite significantly greater risk of impact. *Due to the potential for the Building Near Airfields layer to exempt all development from Deemed to Satisfy streams and the iterative approach to developing overlays- it is, as yet, unclear just what the policy impacts may be in that locality. Therefore it is problematic to comment on the draft Planning and Design Code as currently presented.

Furthermore, with public notification tables yet to be finalised, I am resigned to simply say that all existing notifications should be retained- as the SPC cannot in good conscience say that they have given reasonable opportunity for individuals to comment on aspects of the plan that will potentially limit their chance to have a say when it matters.

For this reason I strongly urge the SPC, DPTI, Minister and all involved in the process to fulfil their duties as outlined in the PDI Act 2016, and, be honest and open in interacting with other entities under this Act; and be prepared to find reasonable solutions to issues that affect other interested parties or third parties.

Namely re-consult and actively seek to engage with all affected property owners and community members once you have actually developed a ‘system’ (i.e. a set of things working together as parts of a complex whole) so that affected stakeholders have a reasonable opportunity to understand the impacts for their property/ies.

Alternatively repeal the PDI Act 2016 and work with the previous legislation, which, while not perfect, could have been fixed with a few tweaks that would not have cost innumerate hours of resources, tax payers’ and rate payers’ money.

It seems that making work for lawyers and appeasing developers who fund “the Party” continues to be the driver of these rules, (don’t kid yourself by calling it a planning system), that provide no input or certainty for residents but allow huge loop holes for greedy developers to exploit. If this is really what you intend to achieve don’t have a planning system (sic) at all, just rely on the Building Code and make developing even more efficient.

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<tr>
<th>Object of the PDI Act 2016</th>
<th>Response</th>
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<td>12- Objects of the Act</td>
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<td>(1) The primary object of</td>
<td>The community ‘engagement’ undertaken to support and enhance the State’s consult the community in the Christmas Season liveability and prosperity in ways that over a Summer marked with emergencies that are ecologically sustainable and meet grips the nation – has not met the needs or the needs and expectations, and reflect expectations of community members who are</td>
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<td>the diversity, of the State’s communities by creating an effective, efficient and enabling planning system, linked with other laws, that –</td>
<td>accustomed to directly receiving advice on any DPA that might affect them.</td>
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<td>Provides a scheme for community participation in relation to the initiation and development of planning policies and strategies.</td>
<td>As above the “scheme” for this engagement process is extremely flawed, especially when the consequences of the policy proposed may mean that individuals have reduced opportunity to comment at the Development Application stage.</td>
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<td>(2) ...the scheme established by this Act is intended to – Be based on policies and practices that are designed to be simple and easily understood and that provide consistency in interpretation and application; and</td>
<td>Unfinished, convoluted and required to be run through an untested e-planning system that has not yet been tested- so no, not, simple and easily understood, nor providing consistency in interpretation (in its current form).</td>
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<td>It is expected that a person or body that – performs, exercises or discharges a function, power or duty under this Act... ... be honest and open in interacting with other entities under this Act...</td>
<td>Another definition of a system, “An organised scheme or method”, does not describe the <strong>hypnotism of chaos</strong>, and dissemination of misinformation in the media and at community meetings by certain members of the State Planning Commission.</td>
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