

29 November 2019

DPTI.Planningreformsubmissions@sa.gov.au

Re: Draft Planning and Design Code-Phase 2

The National Trust of South Australia is the state's leading non-government heritage conservation organisation, with more than 6 000 members and volunteers across the state. For more than 60 years the Trust has played a leading role in preserving South Australia's heritage, working with councils and communities in all parts of the state.

The National Trust has participated in good faith in the planning reform process since its inception more than five years ago. We are extremely disappointed by the persistent lack of genuine public consultation during the development of the Planning and Design Code. The result is a very poor outcome in terms of policy development, much wasted time and effort by many people and organisations, a draft Planning and Design Code that is unfit for its purpose and a community which is now highly alienated from the policy reform process.

Concerns with consultation and quality of the draft Code materials

The draft Phase 2 Planning and Design Code is inaccessible to non-experts which disenfranchises the community from the process of policy development, a direct and major breach of the Community Engagement Charter created under the *Planning, Development and Infrastructure Act*. The draft Code and supporting maps are unfit for genuine public consultation and do not meet the objectives set out for them in the Act. They should not have been released for public consultation until they were ready and until the e-planning platform was sufficiently robust to be used as part of that consultation. Full and proper community consultation on the version of the Code which will be used in development assessment processes is essential given that the rights of third parties to participate in development assessment processes are significantly curtailed by the new planning system when compared to that which applied under the *Development Act, 1993*.

Those rural councils and communities scheduled for implementation of the Code in the next six months are particularly disadvantaged by the failure of the Planning Commission and the Department to produce fit for purpose consultation materials or to complete the development of the e-planning system in a timely way. Those councils are least well-resourced to perform the necessary review and community consultation on the draft Code materials and have been given just eight weeks to respond to highly inadequate and deeply flawed materials. Further key material such as the Historic Area Statements were provided to them almost one month into the eight week consultation period. Councils were then expected to rectify the manifold deficiencies of those statements without any clear policy guidance.

The Department and Commission should not be using the consultation period to outsource their own work to councils and communities, nor expect them to correct the enormous numbers of errors, inconsistencies, ambiguities and gaps in the draft Code. That is grossly unfair and not at all consistent with the best practice community engagement espoused by the Planning Commission and required under the Act.

There are many, many items of concern in the draft Code materials, too numerous to mention or even to identify in the unwieldy and incoherent draft Code, which is completely inaccessible to the general community. I touch on just a few below.

Failure to properly consult on policies impacting heritage protection

In respect of heritage protection, there has been no policy debate about the changes to definitions, protections and interpretation emerging for the first time in the draft Code, as the key policy document that was meant to initiate that debate- the *People and Neighbourhoods* Discussion Paper- was released just one week ahead of the Code, precluding any community consultation or input on the policy informing the Code provisions.

As a result, we have gone from the very general aspirational positions of the State Planning Policies to the operational rules of the Code without any genuine public policy debate about heritage protection policy. This is entirely unacceptable and completely at odds with the Community Engagement Charter and all other recognised standards of good policy development.

Coupled with the rushed implementation schedule and the failure to allow sufficient time for response to the draft Planning and Design Code, the provisions in respect of heritage protection as they appear in the draft Code are likely to be highly detrimental to the economic and social interests of all South Australians. Perhaps more than any other aspect of the draft Code, the treatment of heritage places and areas is most urgently in need of further, deeper consideration and genuine public debate.

Loss of heritage protections through poorly developed Historic Area Statements

Of particular concern in respect of the Phase 2 rural councils is the potential losses of significant heritage places because of the inadequacies of the Historic Area Statements provided to councils during the consultation period. The Historic Area Statements provided by the Commission are completely inadequate as they stand, appear to follow no consistent standard or format, and are not backed by any clear policy intent. The Statements require complete redrafting, editing and rewriting to expand the content and incorporate necessary additional information in order to form a robust and unambiguous statement which can be used to protect what is valued in these areas and to guide appropriate development. In their current form, the Statements are too loose and poorly defined to protect the historic values of these areas. This work should be done, with adequate time and resources, by experienced heritage consultants working with communities and councils. In their current format the Statements are inadequate and incomplete and will not support the retention of historic values of these areas.

There are many other matters of concern, from what it is possible to discern in the thousands of pages of poorly organised material released as the draft Code. Given the proliferation of errors throughout the draft Code, it is not possible to tell what is in error and what represents changes in policy, making it impossible to respond in any comprehensive way to substantive policy issues. Where key information is entirely missing from the draft Code, such as the provisions in respect of the significant tree overlay, which appear simply as a blank page, or the missing provisions in respect of State Heritage areas, the community is being denied an opportunity to participate in policy debate on areas of great public interest and concern.

Need to suspend the consultation process until Code materials are properly ready

We call on the Commission to suspend the current consultation process on the draft Planning and Design Code until the materials, including the e-planning platform, have been assessed by an independent body as being fit for public consultation. Continuing to proceed in such a rushed manner with such manifestly inadequate materials can only lead to poor and costly policy outcomes to the detriment of all South Australians.

Please contact us if you require any further information on the above.

Yours sincerely

A handwritten signature in black ink that reads "Deborah Morgan". The signature is written in a cursive, flowing style.

Deborah Morgan
President

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Re: Consultation of the new Planning and Design Code- Historic Areas

I am writing in response to the State Planning Commission letter dated 1 November 2019 in relation to the above. We have received five identical letters in relation to this matter, none of which include a property address, so the purpose of the communication is completely unclear.

The letters refer us to information on a website which is not able to be found, especially as no specific property addresses are provided.

The correspondence therefore serves no useful purpose and cannot be considered in any way as meaningful communication. It raises significant questions about the competence of the Planning Commission and its waste of public resources.

Yours sincerely



Dr Darren Peacock
Chief Executive Officer