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Submission on Development Assessment Pathways

The South East City Residents Association (SECRA) welcomes the opportunity to make another submission to the new Planning and Development System.

SECRA has written a number of submissions over many years to both the State Government and the Adelaide City Council on planning and heritage matters. We feel that we have been treated badly by the previous state government with regard to planning and heritage protection in our neighbourhood. Therefore we are wary about any planning reform; we feel it will benefit developers rather than residents. We do not see any signs that the current Liberal government will look after the interests of residents, especially those living in our medium-density historic south-east corner of the City of Adelaide.

We are told that planning reform will bring a reduction in so-called “red tape”; we see this as taking away the necessary protections afforded to the powerless. Developers will call the shots and residents will suffer.

However, in good faith, members of the SECRA committee have attended workshops on various aspects of the new Planning and Design Code and Development Assessment Pathways to voice the concerns of residents. We hope that these concerns will be addressed in subsequent regulations.

Development Assessment Pathways

It seems there will be three pathways: accepted development (no, or very little, scrutiny); code assessed development (very little or some scrutiny); and impact assessed development (more scrutiny). We don't understand all the implications of these pathways (and who does in a new untested system?) and are concerned about unintended (or perhaps intended?) consequences. It seems there can still be Ministerial intervention in impact assessed development

At the Assessment Pathways workshop on September 26th I made a number of specific suggestions on behalf of our members (and residents in general). These focused on the principle that unacceptable developments are those, whether large or small, that negatively affect the privacy and amenity of neighbours and neighbourhoods. This would include reducing the effectiveness of solar panels on nearby properties and their access to natural light and ventilation, and of increasing traffic in small residential streets. These cannot be seen as accepted developments.

In this submission we intend to focus on three essentials of a fair, equitable, transparent and independent assessment system. In other words, a system that can be trusted by all:

1. There must be **a place of appeal** for those unhappy with a planning decision or development outcome (whether accepted development, code assessed development or impact assessed development), along the lines of the Victorian Civil and Administrative Tribunal, which describes itself as “low cost, accessible, efficient and independent” and offering a “high quality dispute resolution process”. This place of appeal must be independent of state government.

2. **Decision makers on assessment panels must be independent of government and developers.** These planning professionals would need to be registered by an independent body (such as, in the case of teachers, the Teachers Registration Board) This body would determine whether someone has the skills, competence and independence to sit on an assessment panel; it would have a binding code of conduct for registered professionals; and would be able to remove a decision maker's registration when and if required. Members would be required to update their skills. These skills would include a demonstrated competence in understanding how planning affects the wellbeing (both physical and mental) of citizens and communities and the natural world.
3. There must be **regular (perhaps every three years) reviews** of the assessment system. The review should call for submissions of actual cases and assess how well the assessment process reflects a trustworthy process.

Planning issues were a major factor in the last state election in the Adelaide electorate. Many residents were hopeful that a change of government would redress the inequities between developers and existing residents inherent in the changes to the planning system put in place by the previous government. In particular, that the Liberal government would redress the issue of Ministerial spot rezoning and the concept of catalyst sites which give the largest developments with the greatest impact on communities and neighbourhoods the lowest level of scrutiny and capacity for appeal.

Yours sincerely,

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