

SUBMISSION  
ON ASSESSMENT REGULATIONS AND PRACTICE DIRECTIONS  
Residents for Environment and Character Conservation  
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Having perused both the “Guide to the Draft Regulations and the Planning Development” and “Infrastructure (General) (Development Assessment) Variation Regulations 2019” (sent to us by the DPIT but incorrectly indexed and therefore difficult to cross reference) we have found the **following points of great concern** and suggest they be addressed thoroughly.

#### **PREAMBLE**

- Since the 1980s Labor has been reducing the power of the **Local Councils** (the **only elected body** really representing the Residents of a Council area) in order to favour developers. In the last ten years that centralization process has been ramped up to the point of making mockery of the democratic process and making SA look like a Totalitarian State as far as Development Assessment is concerned.

#### **LOSS OF DEMOCRATIC DECISION MAKING**

- The abrogation of **72 Development Plans** (which had been conducted with **real Residents consultation**, at great cost of time, money and effort of both Councils and residents) **to replace them all** with **one centralized Planning & Design Code** (one for all the diverse areas of our state) is a clear indication of the contempt in which the **previous Labor** Planning Minister held the Residents whom he labelled “morons” in Parliament.

#### **LOSS OF CHARACTER**

- As a result of this excessive power of the Minister and the obsession about fast-tracking applications and cramming in as many high-rise as possible, we have lost so much of the character of our City Centre and inner suburbs. **Heritage icons** like the Post Office bell tower, the physical centre of the City of Adelaide, **are now suffocated by overpowering and very unattractive high-rise buildings**. They are no longer the landmarks they used to be and which interstate visitors loved and recognised.

#### **SPECIFIC COMMENTS ON THE DRAFT REGULATIONS**

- **The new draft Regulations go some way to alleviate some of these autocratic elements** with the introduction of **signs depicting the proposed development** on the land to be developed. This is a big turning point especially **if it carries the ability** for the local residents to lodge a submission. Who is better able to determine if a project is in keeping with the character and amenity of an area than the local residents who know the ins and outs of the same area?
- But what is **most concerning** about these new draft Regulations is **the combination of four elements**:
  - 1) The introduction of the use of **Private Accredited Planning Professionals** to stream-line the assessment process. **This leaves the door open to “shopping around” for a lenient professional and even encourages corruption**

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It also **takes away** some of the work and related **fees from the Councils** making them financially poorer while leaving them the responsibility and costs of picking up the pieces such as traffic congestion, road provisions, rubbish collection, loss of street trees, more open space to make up for loss of private gardens etc

2) The **centralised Planning Portal** where all the e-applications will need to go and from where Council staff must extract those that are their responsibility. There will be hundreds every day from all over the state, more or less complex, and an internet or NBN breakdown or temporary malfunction will soon push the application over the time limit.

3) This **time limit** is of 5 bds for a Council officer to request information **only this once** (Often the answers only create more questions. This **only once** encourages applicants to supply as little information as possible) and 10 bds to make the assessment. This is **totally inadequate**.

4) The “**deemed consent**”. Should this time lapse then the Applicant can issue a “**deemed consent**” notice to the relevant authority, after which the “deemed authority”, say the Council, has 10 bds to issue **their own consent** or **go to Court** to quash it!! This is going to create problems and conflict and cost to the communities! That is **us!** This “deemed consent” is a **recipe for disaster**. Please scrap it.

- We appreciate the introduction of the 5 bds for Verification time. However the **actual consultation time for some categories has been shortened**. Specifically: assuming that there is a correspondence between Performance Assessed and the old Merit categories, the assessment time for the first three categories has actually been reduced. PerformanceAss1 has been allotted 20 bds instead of the Merit1 40bds; PerformanceAss2 is now 40 days instead of 60bds; PerformanceAss3 has been allotted 65bds instead of 70bds, the others remaining the same.

## HERITAGE

- The Marshall Government must be congratulated on the promised protection from demolition of **all heritage listed items**, something the previous Planning Minister seemed hell bent to destroy. However there is still great concern for all the “**character**” and “**contributory**” **items**, which form the majority (well over 2,000) of our buildings, especially in the suburbs  
The **unique character of Adelaide**, unique in Australia and in the world, lies in its **beautiful sandstone and bluestone buildings**.

## DEMOLITION A SERIOUS ISSUE

Unfortunately **among the types of development not requiring planning consent**, next to cubby houses and wood ovens, still stands out for its incongruity the **demolition of whole single storey houses**.

That means that the demolition of an existing, beautiful, if aging, 8-roomed Victorian, return veranda Villa, built of our signature sandstone, is

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treated with the same importance, in terms of impact on the neighbourhood, as the building of a cubby house. It seems preposterous.

**It is high time that we all value our heritage and history** starting with the **Government, which should encourage adaptive re-use rather than demolition** of our **stone, historic, character laden, houses and buildings,** especially in view of **Climate Change** and the carbon impact and the waste of resources that demolition comports.

**NOTA BENE**

In 2004, the Unley Residents, collected 2,000 signatures for a **Petition requesting that the demolition of buildings, built prior to WWII, be considered proper development, requiring development consent from the Councils.**

The Petition was, somewhat reluctantly, presented to Parliament by the then Liberal Member for Unley, The Hon. Mark Brindal. Nothing came of it.

However it should be noted that the number of signatures collected at that time are an **indication of popular will.** Parliamentary Archives should still have the big hard-bound bundle with all the signatures. **Please Consider.**

**A NOTE OF WARNING**

All the rush to approve a Development Application may well lead to the case of the Opal Towers in Sydney to become more frequent. There are already many instances of faults in SA new buildings. The buyers are left to face the costs. **The Law should be changed to make Builders and Developers financially responsible for all problems arising from substandard work.**

Thank you for your attention.

Sincerely yours.

Laura Pieraccini  
Co-ordinator of R.E.C.C.

