

Mr Michael Lennon,
Chair, State Planning Commission,
GPO Box 1815,
Adelaide, 5001.

The Secretary,
Kensington Residents' Association Inc.,
Mr A Dyson,

██████████
Kensington, 5068.
17th October 2018.

<p>RECEIVED 17 Oct 2018 DPTI</p>

Re: Assessment Pathways Discussion Paper

Dear Sir,

We are concerned that the Assessment Pathways Discussion Paper was released as a non-statutory document and therefore has not followed the requirements of the Community Engagement Charter, not allowing for maximum public understanding and input into the new planning system.

As a discussion paper it is totally inadequate. It presents what will happen rather than providing some potential alternatives with the pros and cons of these alternatives. As with the entire process to date, everything seems to be a foregone conclusion with nothing more than lip service paid to the consultation process. We doubt if any notice will be taken of any submissions criticising the process or the proposals. It seems to be an unstoppable process with developers the only beneficiaries at the expense of residents and local communities.

It is very difficult to comment when aspects of the system such as: the Planning and Design Code; Design Review; Practice Directions; and PDI Regulations are yet to be drafted or released. The content is highly theoretical and accordingly difficult to respond to in a meaningful way. Without the Planning and Design Code, there can be no understanding of the significant practical application of the pathways. What types of application will be designated as Performance Assessed, which Performance Assessed applications will be exempt from notification?

Without more detailed information about the Code, the examples in the Assessment Pathways Technical Paper seem to indicate major change to current arrangements, (eg all single storey dwellings “deemed to satisfy” and multi-storey buildings “performance assessed”, potentially with no public notification).

Multiple changes to the planning system (legislation, policy, private decision making, electronic delivery), limited timeframes and inadequate feedback/revision processes risk poor delivery. Timeframes should be adjusted to allow robust research, engagement, feedback, process interdependencies and time for pilot testing and review. Some contentious new aspects of the Act should be put on hold, until such time as the system is operational, functioning well and monitoring data and community feedback justifies the need for further change.

There are many overlaps between issues raised in this discussion paper and the draft Accredited Professionals Scheme. The comments in our submission on the latter should also be taken onto account in considering this discussion paper.

In particular our Association is very concerned that councils' planning and development powers will be diminished. Planning is a local matter and should be dealt with at the local level. The issues we raised regarding councils and community perceptions are repeated below:

- Communities' expectations of their local government's ability to influence the local environment, and provide information about the planning system.
- Councils' ability to influence development compliance and enforcement, and ability to resource any involvement in compliance and enforcement as councils will still be responsible for granting development approval for development in their area, but without say in or control over any of the component parts that make up the final approval.
- How important information for development assessment held by councils will be accessed by relevant authorities (local knowledge, flood mapping, engineering advice, site history resources) and how Councils will recoup the costs of providing this information.

In spite of the PDI Act 2016 reducing councils' role in decision making, councils will continue to be the first port of call for members of the community, and will continue to have an interest in development matters affecting their communities.

We are concerned that so called "simple, expected forms of development, such as new houses and domestic structures" will follow a quick approval process. No mention is made of the possible impact of unsuitable houses and additions within Historic Conservation Zones or adjacent to heritage items or that will overshadow and block light and solar access to neighbouring dwellings. All homeowners, who invest their life savings into their properties, must be made aware if a development next door will prevent sunlight, infringe on their privacy, make their solar panels useless or lose significant trees for native habitat. There is the need for full community consultation in such circumstances and the ability for impacted residents and communities to be notified, allowed to comment, be heard by the assessing authority and to have appeal rights.

Similarly, any proposed demolition of Local Heritage and Contributory Items must be properly notified, treated as Performance Assessed, and must be considered by Council Assessment Panels not private assessors.

We support the idea of placing a notice on land giving notification of planning and building applications. We assume that they will have to meet certain standards as far as overall size, font size, location and distance from the street, and must be maintained in a suitable condition for the duration of the process.

Private accredited professionals should not in any circumstances be the relevant authority for performance assessed development, which involve judgement based assessment. This role should be undertaken by local government professionals, who have access to a full range of information about local areas and conditions, such as heritage, flood mitigation, traffic, waste management, engineering, site contamination, etc.

In conclusion our Association opposes any further erosion of local government control of planning and development decision making. We also oppose any erosion of controls in Historic Conservation Zones and seek greater involvement for the community in the development assessment process, not a diminution.

Yours faithfully,



Stewart Caldwell
President ([REDACTED])

Andrew Dyson
Secretary ([REDACTED])

cc The Premier, Mr Steven Marshall
Deputy Premier, Ms Vickie Chapman
Minister for Planning, Mr Stephan Knoll
City of Norwood, Payneham & St Peters
Community Alliance South Australia
Australian Civic Trust