

History Council of South Australia (HCSA)
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14 September 2020

Mr Matt Balfour
Secretary, Legislative Review Committee
Parliament House
North Terrace
Adelaide, 5000
seclrc@parliament.sa.gov.au

Re: Petition No 2 of 2020 – Planning Reform

Dear Sir,

I write on behalf of the History Council of South Australia (HCSA). We appreciate the opportunity to make a submission to the Legislative Review Committee regarding the petition of approximately 14,000 signatures organized by the Protect Our Heritage Alliance and its member groups.

HCSA is the peak representative and advocacy body for all matters pertaining to the protection of South Australian history and heritage. We have more than 100 member groups, including cultural, academic and government institutions, local libraries and museums, historical societies as well as individuals.

The *Heritage Places Act* of 1993 sought to conserve heritage places in cooperation with owners, thus assigning more power to the community, while the *Development Act* 1993 gave local councils the means to protect places of local significance. The HCSA is concerned that, under the proposed Planning and Development Code (hereafter PDC), the protection of South Australia's invaluable built heritage is at significant risk and will be substantially eroded.

While the HCSA welcomes the government's recently announced delay in introducing the Code, the HCSA needs an assurance that the many flaws inherent in the draft PDC are addressed. The proposed PDC is cumbersome and incomplete. We believe that the vital electronic implementation tool, the ePlanning program, lauded by the SPC, is unworkable and requires significantly more adjustments to work effectively.

The HCSA is well aware of many problems with the development of the Code and the so called 'consultation' process. The State Planning Commission (SPC) responsible for developing the PDC is not a neutral advisory body – three of the four members are developers who do business in South Australia. In public meetings the Chair of the SPC, Mr Michael Lennon, talked about "systems" when addressing aspects of the draft Code. The public needs to know about *the policies* underlying the PDC.

The Code contains numerous provisions that will erode our built heritage and will be detrimental to the character and amenity of urban areas and historic towns. This in turn will have a negative effect on the progressive establishment of a significant 'heritage economy'

(based on tourism, conservation and renovation of heritage buildings) which has the potential to greatly enhance our economy and is much needed due to the impact of Covid-19.

The SPC bypassed the *Community Engagement Charter* and ignored the *Report of the Parliamentary Environment, Resources and Development Committee Heritage Inquiry* and relevant aspects and comments discussed by the original Expert Panel. The process of community consultation and feedback has been extremely unsatisfactory and frustrating for groups and individuals wanting to engage in “the process”. Information provided has been confusing, contradictory and, in some instances, incorrect. Key community questions and legitimate concerns have been ignored by the Department of Planning Transport and Infrastructure (DPTI). These concerns remain unanswered. The ePlanning Portal was late in development and is difficult to navigate, making the draft Code inaccessible to many, including planning professionals and architects. This is undemocratic and a clear breach of the *Community Engagement Charter* mandated under the *Planning, Development and Infrastructure Act* (2016).

The SPC has failed to make the case for the changes it is advocating. Nor has it properly assessed the risks and potential negative impacts of the proposed changes. The HCSA perceives substantial risks to our remaining heritage if these proposals are adopted. We question who will ultimately gain from this extraordinary assault on heritage buildings in the City of Adelaide and suburbs (Phase3) and rural towns (Phase 2). Demolition controls have not been strengthened in the Code as the SPC states. We are concerned that developers will have the opportunity to cherry-pick the older heritage houses and change forever the character of streets and suburbs. This can already be seen in the demolition of some stately homes where the surrounding land has been carved into handkerchief sized blocks with unimaginative look-alike housing that is not energy efficient.

A fundamental concern for the HCSA is the omission of all of the Historic Area Statements (HAS) which are intended to guide the type of development in many council areas. Existing heritage protections are being stripped from these areas, with development application processing proposed to reference these HAS. We ask if all of these HAS have been prepared for Phase 3? Draft statements prepared for the Phase 2 of the Code, now implemented, are inadequate. Previous development plan provisions, prepared by local councils, provided localised and detailed guidance. However, they have been deleted and replaced with weak generic provisions which can easily be manipulated by developers. There is no certainty for residents in certain areas about developments that could occur in their neighbourhoods. Will they be informed of changes and consulted – especially in heritage areas?

In addition to our built heritage, there is great public concern about our natural environment with the huge loss of green space, mature trees and canopy cover in urban areas. This loss is particularly obvious from the top of Kensington Road. Vegetation needs urgent protection in the face of pressure for urban infill and unrestrained and poorly regulated development. Climate Change is a serious issue and should be included in any discussion related to its effect on built and natural environments. The enormous Hamilton Hill development on Glen Stuart Road, Rostrevor, where The Magill Reformatory once stood, is an example of the proliferation of modern style hot box-like “dwellings” not suited to the terrain and allowing little if any vegetation. This is but one example of the housing “style” that is likely to be built if the draft Code is not amended. Local residents and the general Adelaide public are

certainly not benefitting from this sort of development. We argue that tighter planning rules and building regulations with monitoring during construction are essential to ensure high quality building materials and standards are adhered to. This would create work for graduates in related planning and building courses.

The HCSA argue it is essential that adequate time be allowed for the community, industry bodies, the media and Government to be reliably informed about the impact of the proposed PDC changes on our built heritage and our natural environment. As the *Report of the Parliamentary Environment, Resources and Development Committee Heritage Inquiry* recommends, 'a statewide, collaborative and strategic approach to heritage reform' is required. The consultative process to date has not been constructive or collaborative. DPTI and Public meetings with the SPC about the Code mostly consisted of informing participants what was proposed – a fait accompli. There was little opportunity to ask questions and consultation was minimal.

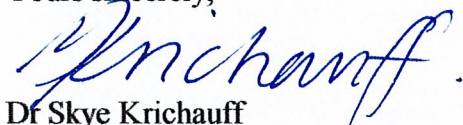
The HCSA endorses the National Trust of SA's proposed five point plan to provide a platform for a clear and sensible reform of our heritage protection systems. As such, the HCSA urges the Government to introduce the following:

1. **A single Heritage Act** covering all aspects of heritage management that strengthens and simplifies protections.
2. **An independent Heritage Commission** to manage listings and development approvals for heritage places.
3. **An integrated heritage listing process**, with strong local government and community participation.
4. **Strict demolition controls** for all heritage places and areas.
5. **Incentives and investments to support heritage property owners** and stimulate the restoration economy.

The broader community has not been adequately informed about all the problems with the *Planning and Development Code*. Community groups and individuals have provided possible solutions to deal with the many inherent issues, yet their suggestions have continually been ignored. We supposedly live in a democracy, yet there are risks to residents' intrinsic right to determine their future lived amenity. There are political implications if the Code should be implemented without thorough revision and proper consultation.

In conclusion, the History Council of South Australia supports heritage planning reform, good policy, developing laws and regulations that will provide adequate protection for our heritage built and natural across the state of South Australia. And while we applaud the Marshall government's decision to delay the introduction of the PDC, we hope that the same sensible and foresighted approach continues and that the many flaws in the PDC outlined in our submission be addressed.

Yours sincerely,



Dr Skye Krichauff

President, History Council of SA

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