The Productivity Commission

Dear Sir

Submission on enquiry into planning, zoning and development assessment

Please find enclosed comments in relation to a range of questions posed by the Issues paper.

1.0 "On what matters should the planning, zoning and DA related decisions and actions of governments be coordinated? How should performance on these matters be benchmarked? Are there particular examples of where land development and development of other urban infrastructure (such as transport and schools) are or are not well coordinated? What costs (benefits) does poor (good) coordination between levels of government create for:-

- *property developers*
- *businesses, aside from property developers*
- *government agencies and local governments*
- *residents?"*

Poorly planned infill development along with poor traffic management creates substantial problems for local suburbs. As infill occurs and detached housing is replaced even just with two storey dwellings the face of Neighbourhoods start to change. Many developments have insufficient parking and as more houses are built into streets more and more cars are by necessity parked on streets. At the same time there are more driveways which results in fewer parking spaces. This is compounded in older suburbs where the streets are inconsistent in width and not built to accommodate increased parking and increased car use. Where streets are narrow and cars parked on either side of the road only permits one lane down the middle of the road motorists speed down the road in order to try to get to the other end before another car comes from the other direction and they have to continually pull over to enable one of the vehicles to pass. This becomes highly dangerous to the residents particularly elderly people.

International research on urbanisation and transport use by Professor Wendell Cox[1], indicates that urban consolidation leads to longer work journeys, greater road congestion, increased air pollution due to lower traffic speed and is very unsuccessful in getting people to use public transport instead of cars. Increased pollution leads to increased health problems. Use of cars often relates to time constraints and with many people's lives now being time poor it saves time often to use a car instead of public transport.

It is therefore a dangerous move to decide to increase density on the basis that public transport will reduce car usage by increasing use of public transport enough to solve congestion and pollution problems. Our reading indicates that the opposite is more likely i.e. while some increase in use of

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[1] Professor Wendall Cox *Sydney choking in its own density*
http://www.onlineopinion.com.au/view.asp?article=10155

public transport will occur, traffic congestion will increase and so will pollution[2]. This will make Adelaide a city that is less desirable to live in than is currently the case.

The expectation that people in these streets will not want to have a car is unrealistic especially as people have to travel further to get access to open space. Councils are contradictory about sustainability and use it as an excuse for whatever they want to achieve. For example the excuse for high density TODS is that they will encourage people to walk and ride. However at the same time main roads are being narrowed and cycle lanes either removed or made so narrow as to be dangerous to cyclists it is not realistic to expect people will use public transport which only travels into a centre and out again especially if it is unreliable[3]. Good public transport will encourage people to use it more but research shows that increased use all over the world is usually small. This expectation is based on linear thinking that everyone goes to work and then goes home. It does not take into consideration that a person may need to go somewhere on the way to work and somewhere on the way home. Life has become more complicated since women have also had to enter the work force.

We are most concerned about future development being premised on a significant increase in population growth for both Australia and South Australia.

To begin with more attention should be given to the ABS data which is based on scientifically based forecasts of an additional maximum 373,400 people by 2036 and a moderate estimate is 254,300. Basing development on an unrealistic population growth sets a dangerous precedence. More importantly rather than trying to increase the population we should be focusing on and resolving issues of sustainability, in relation to such critical matters as energy supply, food production, and water resources in the face of climate change and predictions of resource shortage.

The question that needs to be answered first is what population Australia can adequately sustain in light of climate change, limited water supplies and energy resources impacting on our ability to produce the food we require to maintain ourselves without increasing issues such as poverty[4].

2.0 How broad and transparent are the consultation processes for assessing public and business opinion on proposed planning and zoning options?

Where we are this is very poor for planning options. With category 2 development only the people adjacent to the development are notified and have any say. However developments often impact on a broader catchment of people and they should be able to also comment on issues to do with the development in addition to the neighbours.

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[2] M Melish Moore sticks to her community mandate *Australian Financial Review* 24-28 March 2005

[3] Prospect Council master plans for Churchill and Prospect Roads
http://www.prospect.sa.gov.au/webdata/resources/files/24_Nov_09_-_Prospect_Rd_Master_Plan_Separate_Attachment.pdf
http://www.prospect.sa.gov.au/webdata/resources/files/27_Oct_09_-_Churchill_Road_Master_Plan_FINAL_separate_document.pdf

[4] Michael Lardelli Common Myths of the Population Debate,
http://www.onlineopinion.com.au/view.asp?article=8646

Where people are notified, they only have one opportunity to make submissions to the development assessment panel. The developer however has the opportunity to comment more than once and the resident cannot challenge their response to the original application. Residents should be able to cross examine information put forward by developers particularly where reports obtained have been sought by the developer. Local councils should be required to make plans available on their website and a local notice board for people as well as a notice using a Council template to be placed on the subject land to view thus allowing broader and easier access for the community to be made aware of developments.

Council development plans should also be more available to residents. At the moment to make a submission a Prospect resident has to down load a 183 page document from the Internet, find time to read the plan and develop a written submission. The current timelines for responses of 10 days need to be extended to 3 weeks so that residents who have no knowledge of the development plan or development issues have time to read it and digest it.

There should be **a free advisory service established** to help all residents in all suburbs understand and respond to category 2 and 3 developments. At the moment there is a significant bias to developers and council planners who are familiar with planning issues leaving residents who own properties and are unfamiliar with planning issues at a significant disadvantage.

Councils should not be able to breach their development plan stating it is only a guide. At the moment councils and developers find ways to have significant breaches of the development plan and can get development through which is in significant breach and has a significant negative impact on neighbour's quality of life.

There should be an independent body to hear appeals against category 2 developments particularly where a developer is found to have given false information to a development assessment panel. This independent body should be administrative and not a court which is costly.

3.0 To what extent do the difficulties of dealing with fractured land ownership make it difficult for smaller developers to enter some markets? Should governments have a role in merging of small separately-held parcels of land into larger plots in order to facilitate large-scale developments? If so why?

The merging of small separately held parcels of land into larger plots should be left to the marketplace. Ordinary residents in existing residential suburbs should not have large-scale infill developments thrust on them. Governments buying up large quantities of residential land for such projects are likely to create significant public conflict and displeasure and political opposition. People who do not have the means to move and have bought into a suburb should not be disadvantaged in order that a developer can make significant profit by imposing on their quality of life. It seems that the new has precedence over those who came first.

Where governments wish to be involved in large-scale high density housing ventures, they should, be confined to disused industrial/brown field or commercial land to achieve this.

4.0 Is information on proposed developments available to local communities and all potential land buyers or users during the planning/zoning/DA processes in a complete, effective and timely manner?

Category 2 developments are presently used to restrict the number of people within the community who are made aware of the development. This should be broadened to encompass all the people who will be impacted on by a development particularly commercial or that which will increase residential density. Very little information is provided to local communities about proposed developments during the development assessment process. Neighbours including those opposite or near a development should be advised and invited to comment on new housing proposed on property next to or near to them. Many people now only learn about a new residential development in their street or next-door when demolition begins and people have no opportunity to comment on such issues as the orientation of windows in two or more storey developments, overshadowing etc.

Category 3 development applications under the South Australian Development Act 1993 does provide for public notification of proposed developments. However, this category covers only a small percentage of all development applications in this State.

When people do become informed about developments, i.e. at the time their neighbour is about to demolish a house or pull down a fence, it is almost always too late for people to have any input into the development assessment process. Significant community conflict is now occurring especially when someone is building on a boundary and can remove a fence without informing a neighbour that this is going to occur. There have also developed situations where there are disputes over boundaries that are not resolved before a development commences and result in unnecessary expense and conflict between neighbours as a result. This lack of genuine public consultation and involvement creates a good deal of hostility and bitterness among the general community about development.

Councils that do not want to consult with the community will go to great lengths to corrupt the consultation process such as scheduling community access times late in the afternoon on the day before a long weekend or will advertise after the consultation process has commenced a few days before it is due to end, leaving little time for residents to respond. This should not be allowed. There should be compulsory consultation processes for councils to follow and an independent body managing the feedback process.

5.0 To what extent does influence by interested parties, particularly those who may be politically active within the community, affect the decisions-making processes? Does this improve or worsen outcomes? In what way? Do the views of these parties typically reflect the broader community sentiment?

In South Australia the Property Council appears to have too much influence over the government and the media.

We do not believe that the views of property developers generally reflect the views of the wider community but rather are minority views which are fostered for their own benefit. This is exacerbated as a result of donations to political parties which results in political favours. This should not be allowed particularly where it results in rezoning of residential areas to commercial which allows developers to make significant profits at the expense of residents who may not have the means or circumstances to move house when their quality of life is significantly affected. Developer

donations to any political party should be banned as it is tantamount to a bribe or the buying of rights.

As stated previously the revised residential development code[5] in South Australia, developed to favour developers and shorten timelines and delays will result in suburbs that are no longer pleasant to live in. This can create rental suburbs which then lead to a lack of balance and ownership and can result in issues such as continual dumping of rubbish, incompatibility between residents, uncollected mail, noise, parking problems etc

The reduction of gardens and greenery to counteract pollution and CO_2 emissions is of even further concern. The ability of the developer to build into the entire envelope of a site exacerbates this problem. High rise buildings are less sustainable than low density dwellings as the inhabitants are forced to use clothes dryers and air conditioning often without the choice of clothes lines and alternative sustainable forms heating and cooling. The high site cover allowed by the Code allows denser bigger dwellings to eliminate areas formerly developed for shade trees and gardens which provide important habitat for urban wildlife. If densification is allowed to continue as is currently planned by the government and developers then urban wildlife will dwindle completely away.

Bodies which have far more balance and are generally more in keeping with the views of the general public than are the views of the development lobby are bodies such Trees for Life, Land Care South Australia, the National Trust of South Australia, the Australian Civic Trust as they deal with issues of conservation, wild life and heritage preservation.

6.0 Where rezoning of land is undertaken, does it occur in a timely manner? What slows the rezoning of land? Can delays be shortened while still allowing the rezoning process to be consultative and transparent?

Our general experience is that consultation on such issues is mostly very poorly done. This is generally because councils do not want to be honest with people about what rezoning really means in relation to impact on the local community. From a public point of view the time lines for consultations are often too short and poorly advertised and concerns raise ignored. Mostly they appear to be set up to go ahead regardless of the impact on the local community. This results in significant advantage to the developer and disadvantage to residents. Issues such as traffic congestion, loss of parking places, overshadowing, reduction in greening, development of heat banks, community balance of ownership and rental properties, loss of privacy, right to full sun for solar power now appear to be irrelevant if an area if rezoned so a developer can make profit by building multi storey buildings. We would be very concerned to see timelines shortened to make it easier for developers at the expense of neighbours. Already considerable community conflict has developed as a result of the South Australian changes to the residential development code which now allows category 1 developments without notification to neighbours. Boundary and privacy issues abound. With mental health issues steadily rising it is not considered profitable in the long term to introduce more advantages to developers who continually benefit at the communities expense.

8.0 What characteristics make a city more/less liveable and easy for businesses to operate in?

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[5] http://www.dplg.sa.gov.au/html/resdevcode.cfm

When thinking about liveability we need to think about how we raise our children. Forcing children to be raised in high rise apartments where there is nowhere for them to go outside and play is a significant problem for the future of our cities and our children.

We understand that average journey time to work increases in dense cities and not the other way around. Sydney travel times are now worse than Los Angeles.

The current notion in Adelaide is to increase density along the edge of main roads but we ask who would want to live on the edge of a main road with its pollution and noise and traffic congestion. What research has been done to determine who would want to live here?   The notion that an older person would want to live in the same neighbourhood in a tiny upper storey square box with one bedroom no garden and no ability to have family to stay is out of touch with what this population wants. So there is a real possibility that apartments in mixed use areas on transit routes are not appealing to people to live in and buy and so end up being rented accommodation with a transient population or incompatible populations and declining safety for the surrounding homes. The inner suburbs have limited opportunity for buffer zones between medium density developments and low rise residences and in some inner city councils there is little public green open space such as identified by Prospect Council, South Australia in its Parks Strategy Report 2010.

Forcing people to live closer together in increasing densities has an effect on wellbeing as a result of issues to do with noise and incompatible lifestyles. Combining young people and elderly people in high rise buildings or by pushing them closer together does not work. People can hear each other talking, fighting and using the toilet in many multi- storey attached buildings. This does not contribute to liveability and instead drives people to extreme lengths to maintain their privacy and reduce noise e.g. by building higher fences.

Businesses need to remain in business areas and negotiate appropriate amenity with councils.

Centralization of the planning process in order to force through planning and zoning changes results in lip service to community consultation and community response. Community concerns are ignored whether or not the community has very relevant experiences to report. Development assessment panels are stacked with people who are pro development and force though developments that are in breach of development plans. This has increased the authoritarianism of the planning system and is at times downright corrupt.   Good planning needs to take into account community concerns and work in partnership with the community and should balance development i.e. it is better to have a whole suburb that is two storey than try to push multi storey development into tiny spaces. By respecting local residents a better dialogue can develop about proposed new developments, which can then be improved. By trying to fool residents by only giving partial information, public disquiet grows and poor planning decisions are made.   This decreases individual and community well-being.

Dense housing in mixed use and business zones with poorly thought out infrastructure can drive businesses out of such zones, as is happening in parts of Adelaide. It can also reduce patronage as has been suggested where a councils infrastructure planning is going to reduce car parking spaces where already there are insufficient places available. It is not possible for many people to walk to businesses on main roads and so lack of parking will have a negative impact on those businesses. This increases business costs. Road congestion is also a cost for business. Population growth and housing densification have major impacts on this congestion.

9.0 What challenges do governments and communities face in pursuit of liveability goals? How can these be addressed by planning, zoning and DA systems? (relook at this)

The continuing complete loss of back yards will be a significant concern in the future if the information about peak phosphate production and dwindling supplies of phosphate are true. Should the time come where citizens have to grow their own food to supplement dwindling supplies there will be little space for this to occur once back yards have been destroyed and many people will not be able to do this? Loss of back yards will also contribute significantly with a generation of children who grow up in front of TV's and computer games as a response to a lack of play areas and develop problems with obesity, RSI, poor posture etc.

"Population growth lies at the core of all questions of "sustainability "and "liveability". It is growth of the human population and the increasing resources that it requires that drives the destruction of habitats, the increasing levels of pollution (especially CO_2), and the accelerating depletion of finite resources. It is impossible to stop exacerbating these problems if we do not stop population growth."[6]

More importantly rather than trying to increase the population we should be focusing on and resolving issues of sustainability, in relation to such critical matters as energy supply, food production, and water resources in the face of climate change and predictions of resource shortage.

"In fact, a society operating at the maximum level of efficiency with respect to an essential resource (such as water, energy, phosphate and so on) is *very vulnerable* and will collapse if the essential resource is restricted further. To be truly sustainable and secure a society must operate well within its resource limits. In fact, *the security and sustainability of a society is reflected by its capacity to waste resources*. (This does not mean that it should waste resources, only that it has the capacity to do so if it wishes.) After all, one can only waste resources when the reserve capacity to do so exists and it is this reserve capacity that is the true measure of "sustainability".[7]

Rapid population growth will create significant problems with liveability and sustainability of our cities and our continent and will eventually overcome any sound planning program. Australia's immigration program should be scaled back to more sustainable levels. It is not sustainable to be adding some 450,000 people to our population every year. Our cities cannot be liveable places if they become too big and congestion and water supply worries continue to grow.

So significant population growth and the inherent housing densification policy will create cities under stress and greatly affect sustainability and liveability. Rather than try to cram more and more people into our cities and force high rise development in which many people do not want to live, especially if this is along our noisy and polluted main roads it would be better to look into growing regional and satellite centres. South Australia has been systematically chipping away at regional centres and reducing services and population through such policies as shared services and removal

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[6] M Lardelli The Population Problem www.onlineopinion.com.au/view.asp?article=8635

[7] Michale Lardelli Common Myths of the Population Debate,
http://www.onlineopinion.com.au/view.asp?article=8646

of local services such as banking and health instead of looking to how to reinvigorate these centres. These policies could easily be reversed.

In Adelaide all policies focus on the central business district at the expense of growing other parts of the existing city (there are currently many battles to do with expanding growth in prime agricultural land on the extremities of the city which are also of great concern). This places extreme pressure on inner city suburbs and creates pollution, traffic congestion and high rise development with all the inherent problems such as increase mental health issues, crime and drug use as these developments turn into rental accommodation with mobile populations and little commitment to the maintenance of the local area.

However there are council areas that have expressed interest in developing as a second city centre. This could easily be done by encouraging business through supply of infrastructure and government services and low density development such a three storey buildings. But good decentralization policy would benefit the liveability of our existing cities by reducing population and development pressures.

10.0 Should local and state governments require developers to commence development within certain time frame? What discourages timely completion of developments?

We believe developers are given too much time by councils in relation to the whole planning process and particularly after they have submitted their plans. Councils often extend time frames and do not keep residents informed about the processes in place leaving them at a significant disadvantage in the planning process.

Developers should be required to commence development within a certain time frame and should be penalised if this does not occur. In particular development sites should not be left half started for long periods of time as this can be unattractive and at times quite ugly and can interfere significantly with local conditions such as the ability for the local community to use footpaths or the escalation of vandalism and graffiti where building due for demolition are left for long periods of time. This sort of interference with local conditions should not be allowed for lengthy periods of time and developers should be required to put measures in place to counter act these issues should there be an unavoidable delay.

Where developers buy a site for future development with dilapidated buildings that eventually will be demolished once the conditions are right, but this may not be for a significant number of years, the developer should be required to remove the dilapidated building and keep the site tidy.

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