



Parliament of South Australia  
SPEECH  
5 March 2020

FRANCES BEDFORD MP JP *Member for Florey*

**PLANNING, DEVELOPMENT  
AND INFRASTRUCTURE  
(COMMENCEMENT OF CODE)  
AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 4 March 2020.)

**Ms BEDFORD (Florey) (12:09):** I rise to make a contribution to the debate on this bill. I want to say from the outset that I am pleased the minister has seen the good sense in the crossbench bill before us today. This is a bill that originated from a proposal by the Hon. Mark Parnell in other place, and I commend Mr Parnell for his ongoing, sincere and informed interest in planning matters. As will be evident from my comments in the recent Address in Reply debate, I, too, am very concerned about the direction of the government's planning reforms. It is all too clear that the wheels have fallen off the reform agenda.

Of course, much has happened since this bill was first considered and passed in the other place during last year's session of parliament. For one thing, the minister's department has started to look shaky, with the departures of an increasing number of senior executives, including directors responsible for the delivery of the planning code, the ePlanning system and various other reforms. Like other members, in recent months I have been approached by members of the community with deeply held concerns, aghast at what the code proposes for their neighbourhoods. I have also noted that there is an increasing number of councils and peak bodies expressing outright hostility to the government's reforms.

So it is all too clear we need to go back to the drawing board. This is why, upon the conclusion of the second reading debate on the

bill, I will be moving a contingency motion to allow the house to consider a motion to instruct the Committee of the Whole to consider amendments to the Planning, Development and Infrastructure Act that go beyond the commencement of the code. I bring this matter up now because I believe the time has come to engage in a thorough parliamentary debate.

Merely delaying the commencement of the planning code will not resolve the widespread community anger and concern increasingly evident in recent months. We need to fix the traps and flaws left in the legislation when it was rushed through the last parliament. I make no judgement on the former minister's fervour for his legislation, but I do observe, in my experience, political shortcuts almost always inevitably lead to political headaches. But the government, which was then the opposition, and the opposition, which was then the government, should reflect on this. At the time, many of us, myself included, took the former minister's assurances the bill, as it then was, fulfilled the recommendations of the Expert Panel on Planning Reform, which was an initiative with bipartisan support.

Perhaps, had the bill not been rushed through, the obvious flaws would have been picked up and remedied. Perhaps, if we had all spent more time interrogating the bill, sufficient issues would have been found and repaired. I do not apportion blame anywhere in particular, but I do say now is the time to fix, not just paper over, the cracks. On review of the expert panel's recommendations, it appears the legislation as it stands departs from some recommendations in a number of ways, which may seem minor but are in fact quite significant.

As I said in my Address in Reply remarks, I suspect if the recommendations of the panel had been more faithfully completed we may not have ended up in the current chaotic mess. Planning is an inherently contestable area of public policy. There is little to surprise in that statement, but we rarely examine the reasons why this might be so. I believe the explanation lies in understanding the psychology of how we interact with familiar places. It sounds obvious, but the places we live in, work at and visit can become as cherished on a special level—and loved, in some cases—as family members and close friends. We are all capable of becoming quite attached to the places where we are most happy.

So it is a credit to the expert panel that, after three years of intensive engagement involving more than 1,500 South Australians, the recommendations they made were so widely supported by councils, community groups, industry, professionals and across the political divide. Indeed, the reason for this was, I suspect, the panel really spent time listening to what people had to say. How quickly the goodwill from such a process has been squandered. I have spoken before of the dangers of political shortcuts and, indeed, I have been critical of some of the more recent shortcuts taken by this government.

Indeed, I expect we will be discussing one of the more obvious of these tomorrow, or later on today, when the government presents its GM crops bill for the second time after manoeuvres during the summer break—but I digress. My point is, as members of parliament, whether we are in government, opposition or on the crossbench, it is well past the time for us to all start lifting standards. The ill will the government's planning reforms now meet is a direct result of rushed process, untenable deadlines, the inflexibility of the approach and a lack of listening skills.

We have a problem, but if we work together as we can, we can get this important reform agenda back on track. By agreeing to my contingency motion, the house will be afforded the opportunity to move amendments that will go beyond the bandaid measure of merely delaying the implementation of the code. Indeed, I will afford any member, including the minister, the opportunity to come to the house with suggestions for how we can fix flaws in the legislation that relate to statutory instruments.

My own amendments, if passed, would restore a type of local council zoning plan, giving parliament a greater say in scrutinising planning instruments, and would replace the planning code with a simpler zoning menu and standards for good design. All these are consistent with the expert panel's recommendations and will address obvious departures from them that will put the planning reform agenda back on track. These changes, if adopted, would rebalance the role of councils and the State Planning Commission.

They will ensure that the focus of the new planning system is squarely on good design based on what the expert panel referred to as

'form-based zoning'. They would ensure that parliament has a truly effective role in scrutinising planning instruments made by the State Planning Commission. Most importantly, they will mean communities will have the time to work with councils to understand and roll out the right zones and design policies in their own neighbourhoods, and not have these imposed on them from North Terrace.

I said in my Address in Reply remarks the government should pay heed to the groundswell of community anger on this issue. Allowing this debate, which would still enable the commencement date for the code to be deferred in a timely fashion, would be a good start. I would be more than happy, moreover, for the committee debate to then be adjourned to allow the government to take advice and to allow other members to have the benefit of any information the government may wish to provide prior to members determining a position and voting on my amendments.

Indeed, perhaps the government may come back after taking advice with its own amendments. I, for one, would welcome this and, if the amendments are based on genuinely listening to community concerns, I would be surprised if they did not have the wider support of others in the house and the other place. It would be a shame if the government, instead of embracing this opportunity, used its numbers to push this bill through just as it has tried to push through its planning reforms against widespread community hostility. With those remarks, I look forward to the conclusion of the second reading debate and the house's consideration of my contingent motion and, in committee stage, my amendments.

**Ms BEDFORD (Florey) (17:01):** I move:

That it be an instruction to the Committee of the Whole House on the bill that it have power to consider amendments that relate to the form, content and procedures for making, amending and revoking statutory instruments, including consultation upon and parliamentary scrutiny and disallowance of statutory instruments, and to establish new statutory instruments and repeal or replace existing statutory instruments and make any other related amendments to the Planning, Development and Infrastructure Act 2016.

**Ms BEDFORD (Florey) (17:06):** I seek leave to speak to the contingent notice of motion I have moved.

Leave granted.

**Ms BEDFORD:** This motion, if passed, will afford the Committee of the Whole House an opportunity to consider a range of amendments to the Planning, Development and Infrastructure Act that go beyond merely the timing of the Planning and Design Code.

After making my own second reading contribution, I listened carefully to those of other members. I particularly noted the comments of the member for Hammond who alluded to the 300 or so amendments to the then government's bill. I noted also the comments of the Attorney-General, who wondered if it was at all necessary to return to the act and remedy the problems. Of course, I have noted the comments of the minister himself. I say to you all, if it is as it seems that the legislative framework is flawed, then we must make changes. I have no political barrow to push. Rather, it is obvious that problems were missed and they are now all too obvious.

It is undeniably clear that there are problems. That is not my opinion; it is the opinion of councils, many planning professionals and like experts in many parts of industry and notably thousands of South Australians who have signed a petition expressing concerns about the progress of planning reform. Councils like the City of Salisbury in my own electorate were among the first to point out how the draft code had errors. Councils like the Copper Coast Council, the Fleurieu council, the City of Prospect, the City of Marion, and the City of Norwood Payneham and St Peters did as well.

On occasion, the language to describe the situation has been very blunt. One councillor has described the code as a 'horror story', another as 'laughable', with a further saying it was a 'joke'. In one of the more eloquent remarks I see the code described as 'dumbed down into something you can drive a truck through'. If that were not enough to merit a wider debate, then the 12,000 people to date who have signed a petition calling for the code to be deferred and for there to be a thorough review of the legislative framework undertaken should be considered. Thankfully, even if the government closes down debate today by using its numbers to defeat this motion, the new legislative requirements for petitions will ensure further debate ensues. I commend my contingent notice of motion to the house.

The house divided on the motion:

Ayes 21  
Noes 21  
Majority 0

**AYES**

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E.
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A. (teller)
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Stinson, J.M.	Szakacs, J.K.	Wortley, D.

**NOES**

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Ellis, F.J.	Gardner, J.A.W.
Harvey, R.M. (teller)	Knoll, S.K.	Marshall, S.S.
McBride, N.	Murray, S.	Patterson, S.J.R.
Pederick, A.S.	Pisoni, D.G.	Power, C.
Sanderson, R.	Teague, J.B.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

**The SPEAKER:** There being 21 ayes and 21 noes, I have a casting vote and I cast with the noes, so the noes have it.

Motion thus negatived.



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