



# JACK BATTY MP

## MEMBER FOR BRAGG



14 December 2022

Expert Panel  
Planning System Implementation Review  
GPO Box 1815  
ADELAIDE SA 5001

**Via Email:** DTI.PlanningReview@sa.gov.au

Dear Sir / Madam

I write on behalf of my constituents who would like to contribute to the Planning System Implementation Review.

Please find enclosed submissions from a number of my constituents, which I have been asked to submit to you for your consideration as part of the Review process.

The overwhelming majority of these submissions concern how character and heritage is assessed in the Planning and Design Code. In general, my constituents would like to see reform to ensure that character and heritage is better preserved particularly in our eastern suburbs. My constituents seek:

1. Stronger demolition controls for character homes;
2. Better enforcement of the Planning Code;
3. More and wider notification, communication and consultation for residents during the assessment process;
4. Stronger protection of our tree canopy; and
5. Power to require work to maintain derelict local heritage buildings (similar to the existing power concerning state heritage buildings).

Can you please take my constituents views into account during your Review process? I would appreciate it if you can please keep me updated as the Review progresses.

Yours sincerely



**JACK BATTY MP**  
Member for Bragg

**SUBMISSION FROM DOODY AND JIM TAYLOR (ROSE PARK)**

Dear Jack,

Thank you for your letter concerning character and heritage. I heartily agree how important it is to retain these features and would be grateful if you are able to put forth a submission on my behalf and my husband Jim.

We are members of the Eastern Residents Association and were very pleased to hear you speak at the AGM recently.

Having recently moved to Rose Park we are keen to make sure the integrity of this beautiful suburb is retained. Previously we spent 42 years living in a heritage-listed National Trust home in Burnside and were proud to maintain and safeguard it during our tenure.

Sincerely

Doody and Jim Taylor

██████████  
██████████

## **SUBMISSION FROM GARRY READ (ROSE PARK)**

Dear Jack,

I have lived in Dulwich and Rose Park for 43 years now, during that time I have lost faith in the premise of Character and Heritage.

For example, I owned [REDACTED] Dulwich, when there were all character homes (all bar one) and within 4 short years the Burnside Council agreed to demolish four character home and allowed concrete blocks to be built in their place.

No concern for the heritage of the area.

I am sure that this blatant disregard for maintaining a heritage zone has affected the land owners bottom line. When it comes to the sale of their property.

The then CEO said, that this is progress and I then asked him where he lived, he responded that he lived in Tennyson. So he had no idea about character and heritage.

Further, I received a document from the Burnside Council suggesting that there were monies available for the assistance to restore sections of a property to take it to original. At the front of my home in Williams Ave, are cast posts holding the verandah, one or two were cracked and needed to be replaced. I therefore applied for a contribution to get new ones cast. That application was rejected as apparently it didn't meet their criteria.

...

Regards  
Garry Read

## **SUBMISSIONS FROM POLLY DUNDON (DULWICH)**

The need to preserve our Heritage Buildings is of great importance to myself and many others.

I appreciate my suburb so much that it gave me the opportunity to write " Secrets of Dulwich" and because of so much history given to me and the success of this publication, I have now started on Book 2.

My thoughts are maybe from an Artist perspective, where we have the beautiful City of Adelaide, similar to a painting, which has a complimentary frame of the old suburbs that surrounds it. These suburbs are not just Dulwich, but Parkside, Wayville, Mile End, North Adelaide, Rose Park etc.

During my research I read and heard of builders who built wonderful homes for their families I could go on , but it has already been said, that it is our duty to preserve and maintain what has been handed down to us.

Many thanks to Jack Batty, Luka and the office for support in this area

Gratefully

Polly Dundon

Good afternoon, Mr. Jack Batty, recently I had my book "Secrets of Dulwich" printed and due to popular demand, it is close to been sold out.

While researching for the book it confirmed that so many people from our whole district are very passionate about our heritage stories and buildings.

One thing of interest is that many people tell me that their family homes ( all very attractive) were built by their fathers n grandfathers, so we really don't have the right to demolish these treasures.

I can remember quite a few years ago that the Council asked if Brunswick Lane, between Kitchener n Cleland Avenue could be permanently closed, and immediately the response was " no way".

As a matter of interest Brunswick Road was changed to Kitchener Avenue when LORD Kitchener "came to town " and if one believes history he wasn't all that perfect, so perhaps it's good to leave things as they are.

Just one more thing, while on a roll, just recently a friend told me that Victoria Park and the heritage grandstand were in very bad shape, can one believe the lack of knowledge n history as this is simply not true?

Many thanks for working towards saving our historical buildings, etc.

Happy Christmas to all,

Mrs Polly Dundon

**SUBMISSION FROM PETER HERRIOT (ROSE PARK)**

Dear Jack

Thank you for your letter inviting comment on local character and heritage policy.

I would like to make a general comment/observation. We seem to be losing more and more character homes around the Eastern suburbs. It is particularly noticeable along Fullarton Road where old character homes are demolished and replaced with - in my opinion - characterless two story boxes which are also built extremely close to the boundary. I would be in favour of laws that offer greater protection to established character homes from demolition. I think we lose a lot of our heritage and character by allowing this demolition of character homes to continue seemingly unabated.

Yours sincerely

Peter Herriot

**SUBMISSION FROM ALLY PREISS (EASTWOOD)**

Dear Jack

I am happy for you to collate a submission on my behalf and submit it to the review. I am a member of the Burnside Historical Society and live in Eastwood and previously in an 1880's cottage in Hazelwood Park. I think its very important that we keep these heritage areas. Someone once told me "Once these houses and areas are gone they are gone forever you will never get them back." Thank you for your help.

Ally Preiss

## **SUBMISSION FROM GERRY DEE (TUSMORE)**

2 December 2022

Submission to the Planning Review Committee.

I live in the rather small suburb of Tusmore which contains mainly 1930's Tudor and Bungalow residences. In fact there are very few modern residences in our suburb.

I would like to see the existing zoning regulations remain in order to preserve the existing built form and prevent modern dog boxes being built.

Some residences may fall into disrepair or may be damaged beyond repair by fire or storm. If a new residence was to be built it would need to blend in with surrounding properties. If the building was demolished there would need to be some rules preventing a standard size allotment of say 800 square meters being divided into two allotments and allowing a pair of ugly marionettes to be constructed on the land.

There is an old saying "If it isn't broke don't fix it"

Perhaps this should apply to the existing planning regulations.

Yours sincerely

Gerry Dee

## **SUBMISSION FROM DR ELEANOR LONG (EASTWOOD)**

I moved to Adelaide from Melbourne in late March 2021. I had lived in Southbank, an inner-Melbourne residential area, for 20 years; and I had experienced first-hand the replacement of an interesting, historical area with an unsightly, disorderly ongoing-construction site. Clearly without reference to an intelligent planning policy, buildings were approved that were increasingly taller, closer together, poorly built, and uglier. Residents of the original spacious and attractive Southbank apartments were aware that their properties were being devalued, dismayed to see cherished views and lifestyle disappearing, whilst seemingly being disregarded by state and council residential authorities.

Before selling my property in Melbourne I spent a month in Adelaide, walking around the streets of the city and its inner suburbs—as well as doing intensive internet searches. I continue to value the convenience of inner-city living; and to my amazement, and great joy, I discovered that inner-Adelaide had retained many of its lovely original houses and cottages. What an opportunity! To be able to purchase a house of my own, and in an enviable location!

I was very fortunate to find a beautiful bluestone villa, circa 1890, in Eastwood that was within my budget. Of course, I enjoy modern living, and the villa had been extended and its interior thoughtfully modernised some years back. I have continued this process with some up-to-date interior fittings, keeping faith with the character of the house and its precious heritage.

Eastwood is in a superb, central location and the streets are lined with many original dwellings. Some properties have been neglected and are in a state of extreme disrepair. I do hope state and council policies are developed that will encourage the owners of these properties to restore these dwellings to their former charm.

Dr Eleanor Long



## SUBMISSION FROM Cr. HARVEY JONES (BEAUMONT)

- 1) Number one issue is that the Planning Code needs to be rules not guidelines. Developers are continually pushing the boundaries and sadly council staff let them. All the three for the ones that you see around are because minimum block sizes are not being enforced.
  - 2) Number two issue is the democratic control over planning decisions needs to be restored. Council was forced under the new Code to delegate its powers to the CEO and the CAP. This sadly was a continuation by the previous Liberal government of previous Labour government policies.
- 3) Some detailed concerns:
- i) The Code places much of the City of Burnside's residential areas in the Suburban Neighbourhood Zone, which emphasises quantitative criteria, rather than design compatibility, to ensure that new dwellings are consistent with the locality's character. Requirements for setbacks for development from side and rear boundaries have been substantially reduced, particularly for two-storey developments, and this could impact access to privacy, sunlight, overshadowing and the space in and around buildings. The Code also allows for development on the boundary up to 11.5 metres in length, a substantial increase from the current maximum of 8 metres that could result in increased overshadowing and loss of amenity.
  - ii) Previously, shops, offices and educational establishments were non-complying under our existing planning policy in council's residential areas. In the new Code, these non-residential uses will be allowed in existing residential areas, which could adversely impact traffic, parking, noise, neighbour's amenity and the character of our suburbs.
  - iii) Residents are currently notified if your neighbour plans to build a new two-storey development, replace their house with two or more dwellings, or change it to a non-residential use. Under the new Code you are not notified or have any opportunity to comment on these types of developments.
  - iv) The Code also facilitates larger developments, the easier removal of trees on both private and public land, increased infill development opportunities, an increased number of street crossovers, and reductions in minimum site areas, site coverage and setbacks. This could result in a significant reduction in canopy cover and climate resilience, along with habitat loss.
  - v) Each of the design and land use issues raised above are critical given the increased role of private planning consultants in the decision-making process. Under the new Code, private assessors are able to make 'judgement' calls where a proposed development deviates from certain Code criteria or where it involves the interpretation of minor variations. Council believes this particular decision making capacity should not rest with private assessors who are engaged by the applicant, but with a body such as Council who makes a decision independently.
  - vi) The tree planting requirements under the Code are a joke. A developer can pay a fine of a few hundred dollars to avoid planting the required trees. Guess what they do.

4a) Not quite the Planning and Design Code but significant concerns also exist with respect to Derelict Buildings and protection of Local Heritage. Extract from my article in the Herald below:

“Interestingly, I'm often contacted by residents who feel that Council should have even more powers and responsibilities, notably with respect to derelict properties. Nobody is very keen on living nearby to a derelict property. Quite apart from being an eyesore, there are issues with squatters, vandalism, overgrown vegetation / fire risk, vermin, mosquito infestation, asbestos and subsidence of neighbouring properties.

When I'm contacted by local residents, I have to confess that Council has only limited powers to do anything about derelict buildings:

If (if) we can prove the property is unsafe, we can issue an order under the Planning, Development and Infrastructure Act 2016 to make it safe.

We can take enforcement action under the Local Nuisance and Litter Control Act if the building and land are in such a state as to have an adverse effect on the amenity of the area. You won't be surprised to learn that this gets disputed in court very quickly.

We can also issue notices under the Fire and Emergency Services Act, requiring that any fuel load be cut ahead of the fire danger season but a garden needs to be in an absolutely terribly overgrown state for this to apply.

But, frankly, Council is having to pick at bits of legislation to try and get acceptable outcomes for local residents. And we're picking at the edges; there's no power for local government to do what residents actually want, which is the power to compulsorily acquire derelict properties, fix them up and send the owners the bill.

What's even worse is how this applies to Local Heritage listed properties, which is leading to really perverse outcomes.

Local Heritage listed properties are subject to demolition control; they cannot be demolished unless they are beyond economic repair. So what do you do if you own a Local Heritage listed property that you want to demolish? Why you rip out all the doors and windows and wait for nature (and vandals) to take its course. This is a live issue in the City of Burnside.

You can't do this with State Heritage listed properties, where the State Government has enforcement powers but astonishingly neither the State Government nor local government has any power to take enforcement on Local Heritage listed properties.

It's an area that the State Government needs to review to protect people from irresponsible property owners.”

4b) Council on 27 September 2022 passed a motion to write to Minister Close to amend part 7 section 36 parts 1, 2 and 3 of the South Australia Heritage Places Act 1993 to include damage and neglect protection for local heritage on the same basis as state heritage.

We got a nothing answer back.

Cheers  
Harvey