



16 December 2022

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Planning System Implementation Review

Introduction

We thank the State government for agreeing to a review of the Planning, Development and Infrastructure Act. We recognize the current planning system is very much a product of successive governments, both Labor and Liberal, and appreciate the recognition that it needs a review.

We will focus on the impacts that we have noted in Norwood. We have left more general concerns to Community Alliance of South Australia, of which we are a member, and whose submission we support.

On the other hand, we have not confined ourselves to changes that have occurred since the Code was proclaimed. While there are many features of the previous regime that we would like to see reinstated, there were also unfortunate features in the previous regime that have been carried over into the new, and which we want to see remedied.

Our concerns focus on the destruction of Norwood's heritage, how we can expand our tree canopy and our difficulties in dealing with the Planning and Design Code.

Norwood's ambiance, heart, history and strategic advantage are embodied in its unique built form. It is what constantly draws people to live, work and shop in the area and to leave such an asset unprotected is to risk its loss. Residents and visitors alike are amenable to an appropriate blending of old and new, but are critical of the increasing erosion/destruction of our charming streetscapes.

Loss of heritage

The new village east of Adelaide was first laid out in 1847; one of the first suburbs to be settled and the first to be granted municipal government. It was the most successful of the nineteenth century suburbs and has arguably the richest built heritage. The Council area is one of three Australian members of the League of Historical Cities, the others being Melbourne and Ballarat. If the number of State heritage listed structures is used as a proxy for the amount of built heritage generated through the suburb's history, there are 21 of these in Norwood, exceeded only by the much bigger Port Adelaide, and by Hindmarsh.

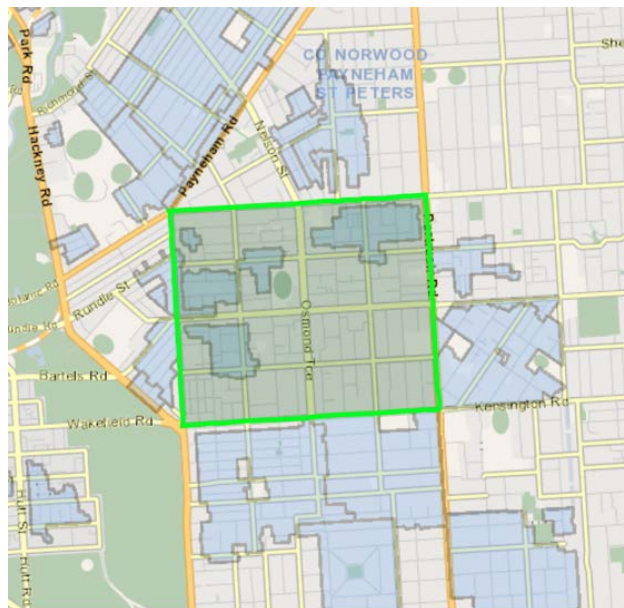
One of the weaknesses of using State heritage listings as a proxy for the amount of built heritage in a location is that the pressure for redevelopment and the degree of protection afforded to non-State listed heritage will vary. In recent years at least, Norwood has suffered in this regard. Its popularity as a place to live has resulted in a lot of pressure for new housing. We argue that its heritage is also more vulnerable than that of neighbours for several reasons.



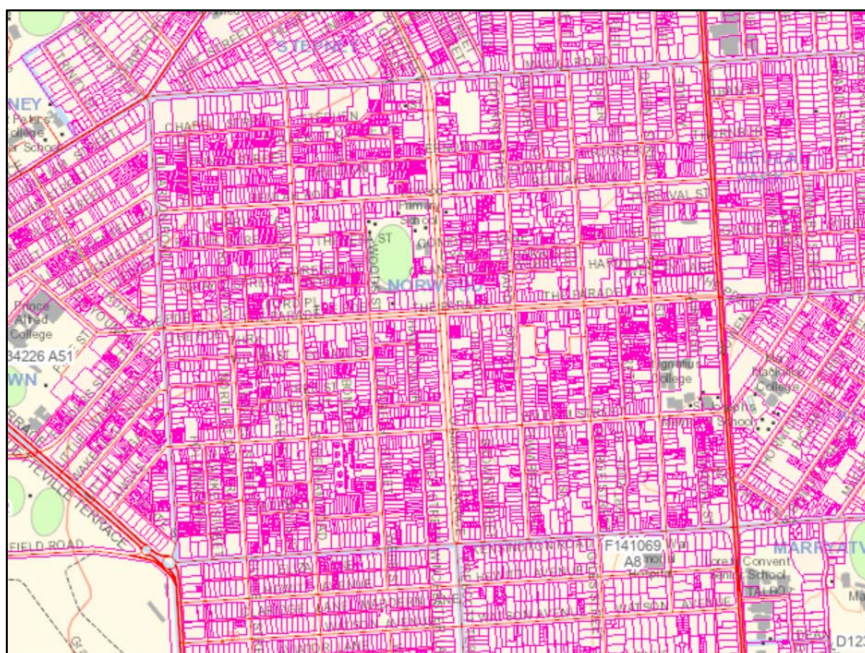
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The first reason is that Norwood is unusual in having no registered Contributory/ Representative Buildings. This listing provides a level of protection against demolition for specifically identified buildings that does not apply in Norwood.

A second vulnerability is that the proportion of the suburb protected by the Historic Area Overlay is relatively small. The Overlay provides some protection, particularly in terms of demolition. The map below indicates the areas subject to the Overlay, demonstrating the contrast with neighbouring suburbs, particularly St Peters, Rose Park and Kensington.



A third vulnerability is the minimum site areas of blocks in Norwood. The cadastral image below suggests that Norwood generally has smaller lots than Rose Park to the south and Stepney to the north.





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But the image only shows the existing block sizes, not what they could be under the Planning Code.

Given the multiple zones, sub-zones and overlays involved, it is difficult to provide an easy comparison, but some comparisons make the point. Norwood's Established Neighbourhood Zone typically allows subdivisions of 350m² for detached dwelling, down to 250m² for a row house. But in various Policy Areas smaller subdivisions are possible: an average 250m² (with minimum of 200m² for Policy Area 3 and Policy Area 5). Policy Area 4 has an average that can be less than 300m², with the smallest size being 200m².

By contrast, the minimum lot size in Rose Park's residential zone is 700m², (450m² if semi-detached), St Peters 500m², Royston Park 450m², Heathpool 400m². In other localities of the NPS Council, subdivisions are limited to sites of more than 1000m².

Is it any wonder the developers focus on Norwood to demolish a house and replace it with a two for one?

A local resident, Sandy Wilkinson, has undertaken a study on the practical impact of this in one section of Norwood,



In this area there are about 1200 properties. 660 of these (at the time of the study) were pre-1940 housing stock. The blue, dark green and light green blocks represent those afforded some measure of protection due to state heritage listing, local heritage listing or being in an historic conservation zone respectively. The brown blocks have no such protection. At least ten of these became white (i.e were demolished) in the last year. It is amazing to us that developers can buy a pre-1940s house, demolish it without approval, and then seek approval for what is to replace it.



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73 & 75 William Street (outside the protected historic zone). Recently demolished....owners wanted more modern facilities & garaging.

We want to see the demolition of old (pre-1940) buildings to require development approval, with notification of neighbours within a 200m radius, given the impact on the streetscape.

The NPSP Council area has also seen examples of “demolition by neglect” – developers deliberately allowing listed properties and other protected buildings to deteriorate and become an eyesore, removing the opposition to their replacement. We fear this is happening to a much-loved building on Norwood’s border with Kent Town, the site of the former Chloe’s restaurant. (See below.)



Owners of listed properties have a responsibility to the community and should be made to plan their restoration and maintenance. Given the public interest in the matter, it is



reasonable to expect that this responsibility be shared with the public, either through the local council or a state-based body.

Loss of diversity

We set out this situation above to explain the position in which Norwood residents feel themselves to be. Norwood has had a rich character based on its history, but recent trends in planning decision making have exposed the suburb to market forces that, by their nature, pay no heed to character or heritage, except as something that can be exploited. The more a planning code is constructed to apply generically all over the State, the less protection it will provide against such forces.

Norwood has always been a mixed-use suburb, which perhaps explains the irregular size of blocks and the lack of control exerted in the previous NPSP Development Plan over the reduction in block sizes. However the Development Plan did seek to protect the character of the suburb through a fine-grained, carefully described set of guidelines. In its current form the Code ignores these, not upholding the previous government's commitment to 'like for like' in its articulation into the new format.

Modifications that were made to the Code since the first draft was put to consultation reflected an attempt to balance a generic, one size fits all, state-wide approach with the need to reflect the nuances of the local built form, local topography, local politics etc.

We question why a generic approach is so valued in the first place. Perhaps it makes life simpler for large businesses pursuing development across multiple suburbs, but this is at the expense of the rich diversity of our suburbs.

The loss of democracy

The second development that has exacerbated the loss of Norwood's built heritage and character is the trend to remove decision-making from the local level and restrict the inputs of residents in the decision-making process. This trend has been in place since well before the passage of the Planning, Development and Infrastructure Act. From a regime in which the planning rules were made by the local authority (albeit approved by the Minister) and then interpreted by Councillors, we have moved to a world in which the rules are made by the State Government and then interpreted by bodies of appointed officials at State and local levels, with one Councillor only on the latter.

Apart from those buildings under the Historic Area Overlay, the lack of protection from demolition under the Code has meant that the Council Assessment Panel cannot consider the value of an old building in preserving the distinctive character of a locality. The protests of locals about the loss are irrelevant.

Perhaps more dramatic has been the way that the state has taken over decision-making for developments, particularly those of four storeys or more. SCAP does not have the knowledge of the local context that is held by NPSP council planners. At times it does not appear to pay the same attention to detail. Also, the body that will have to deal with consequences – dealing with traffic, picking up the bins, etc, has no say in the decision.

We have seen the Council excluded from the most controversial developments, such as the re-development of the Caroma site and 120 The Parade. These particular cases have not been controversial because of what has been lost, but because of what the State



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Commission Assessment Panel has approved. Buildings totally unsympathetic to the historic area, a development with very little landscaping and poor pedestrian access and a development that will loom over The Parade, changing its character forever, have been the respective results.



Beulah Road development, in or adjacent to an Historic Character Zone. Was this allowed due to the (self-serving) professional ideology that new buildings in an historic area should not look old?



Pedestrian access for residents to the Aldi supermarket. Note also the landscaping. Was this allowed because SCAP does not have the staff to match its responsibilities?



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The rejected version of 120 The Parade (above) and the approved version (below).

Council objections about the impact of the development on the streetscape were ignored.

Was SCAP simply worn down?

We argue that the Council should have some formal role in SCAP decisions involving developments in its area. This could be by having a representative on the decision-making body, or by providing the assessment, or by SCAP having to provide reasons why it has rejected Council advice.

The gradual exclusion of local interests from planning decision-making includes increasing restrictions on appeal rights. (We appreciate the innovation of posting notices on the fences of sites subject to a development proposal. But the increased transparency is darkened by the fact that appeal rights for neighbours and other affected parties have been reduced even further under the new Act.)

We get that locals have been shut out of the process because of NIMBYism. The State government has broader interests to pursue, for the good of the South Australia as a whole. However the pendulum has swung so far that the State is in danger of losing what it is that attracts people from elsewhere to an inner-city suburb like Norwood – a suburb with inner suburban convenience, but with real unique character.

And by relying on vaguely expressed objectives and plenty of wiggle room, the planning process itself is being undermined. Developers are becoming more uncertain about the outcomes of the decision-making process. It must have been baffling for the developer to see its proposed development behind the Republic Hotel rejected for being over height, while the similarly over height proposal for 120 The Parade was approved. We had the purchaser of the Beaurepaire site on The Parade publicly state that the existing planning



rules would not allow an economic redevelopment. Why did he buy the property then? Because he had contempt for the rules?

Increasing our tree canopy

The problem

The replacement of one house for two on the same area will obviously reduce the amount of space available for trees. This, combined with the replacement of smaller old houses with large modern houses, and the continual addition of ancillary buildings and paving, all threatens the tree canopy on private land in Norwood.

We appreciate the effort to encourage trees on private land via the requirement (at least where the Urban Tree Canopy applies) that a given number of trees are planted, depending on the size of the property. However we are skeptical that this will work. The planning system has its impact at the time of development. Monitoring activities that might undermine the planning decision in the years that follow depends on Council resources, but cannot be depended on. Given the deleterious impacts of trees mentioned above, there will always been the incentive to restrict, cut back or even remove trees.

We have more faith in building controls that specify a minimum level of open space, with minimum dimensions, as a means of at least retaining space for trees. The danger is the “minor” developments – covering a patio, a small shed, paving the backyard etc, all serve to reduce the space available for trees.

Having said that, we do not see why important parts of Norwood are not covered by the Urban Tree Canopy Overlay. The Urban Corridor and other commercial zones are important areas of human activity, where the benefits of trees would be most valued.

We also see the value in having a specified proportion of a property reserved to allow rain to seep into the ground below. This would help eliminate some run-off into street gutters which in recent times are overflowing owing to run-off from hard surfaces. If people want paving on their open space they should be required to use water permeable pavers.

While we all appreciate trees, we recognise that they can be problematic for those living under them. The best tree is often the tree on the neighbour’s property, often on neighbour two or more houses away. Norwood’s residents have a commendable record in maintaining trees on their property, but given the pressures for more development, if we are to see an increase in tree canopy, it will probably need to be on public land: in our road reserves and parks.

Off-set scheme

We argue that this can be better achieved if the existing off-set scheme were modified. Clearly the existing scheme is ineffective, with demolition routinely accompanied by the clearing of all vegetation on the site. *Payments between \$300 and \$1200 are clearly not enough to motivate developers to change their ways. Ideally the payment should reflect the value of a tree over its lifetime. But this is hard to determine, and in the absence of such a valuation, it should reflect the cost of maintaining a tree throughout its lifetime.*

The other improvement we want to see is a broadening of the uses to which the proceeds of an off-set scheme can be put. With Norwood’s verges already mostly treed, pressure on



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street parking making the use of streets for tree planting politically difficult, and with relatively small parks, the scope for new trees on public land is very limited.

Funds generated by the off-set scheme should also be used to take measures that will minimize the need for SA Power Networks to prune trees, such as bundling over-head wires. As well as maintaining tree canopy, it would also avoid the awful disfigurement of street trees that often is the result of SAPN activity. (See below.)



Other possible uses of the funds raised by an effective off-set scheme could be to fund gutter cleaning and similar measures for elderly resident living under trees, paying for tree-net inlets to water trees from gutter flow, and subsidising vehicles used by Councils to water trees when they are being established.

Accessing the Code

Those of us who are used to electronic databases welcomed the plan to move development plans from a paper-based system to an electronically-accessed database.

We have been disappointed with the reality. Even those who are comfortable with databases must find the Code labyrinthine. Yes, there are now far fewer zones, but in place of this “horizontal” reduction, we now have a multiplication of layers: zones, sub-zones, policy areas, overlays, adjacencies, technical and numerical variations, etc. It is bewildering for those who are not professionals in the area. (And probably bewildering for some professionals as well!)

We assume that all this complexity has been added in an attempt to remedy the loss of fine-grained policy measures that featured in the former development plans, and the difficulties are due to imposing a state-wide rather than local application.

A second disappointment is that information provision is designed for those who have an interest in a particular address; perhaps because they are interested in developing the property, or they are neighbours concerned about potential development. It is much more difficult for those who are trying to get a broader picture of what is going on, for example to compare provisions in zones.



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We can “browse” the Code, which is straightforward, to a point. It is easy to bring up a particular zone, and the broad principles governing land use. However things become confusing when we try to determine the particular constraints applicable, for example minimum site area, or minimum frontage, or maximum site coverage. Here we are presented with a bewildering range in each case. For example here is a screen shot explaining minimum site coverage for the Established Neighbourhood Zone, which covers most of Norwood.

+ Employment (Enterprise) Zone	Minimum site area for a detached dwelling is 750 sqm; semi-detached dwelling is 450 sqm
+ Established Neighbourhood Zone	Minimum site area for a detached dwelling is 750 sqm; semi-detached dwelling is 550 sqm
+ General Neighbourhood Zone	Minimum site area for a detached dwelling is 750 sqm; semi-detached dwelling is 600 sqm
+ Golf Course Estate Zone	Minimum site area for a detached dwelling is 800 sqm
+ Hills Face Zone	Minimum site area for a detached dwelling is 900 sqm
+ Hills Neighbourhood Zone	Minimum site area is 1,000 sqm
+ Home Industry Zone	Minimum site area is 1,200 sqm
+ Housing Diversity Neighbourhood Zone	Minimum site area is 1,500 sqm
+ Infrastructure Zone	Minimum site area is 200 sqm
+ Infrastructure (Airfield) Zone	Minimum site area is 2,000 sqm
+ Infrastructure (Ferry and Marina Facilities) Zone	Minimum site area is 250 sqm
+ Local Activity Centre Zone	Minimum site area is 300 sqm
+ Master Planned Neighbourhood Zone	Minimum site area is 350 sqm
+ Master Planned Renewal Zone	Minimum site area is 400 sqm
+ Master Planned Township Zone	Minimum site area is 450 sqm
+ Motorsport Park Zone	Minimum site area is 500 sqm
+ Neighbourhood Zone	Minimum site area is 560 sqm
+ Open Space Zone	Minimum site area is 600 sqm

And if it is bewildering for those used to electronic databases, what about those who are not comfortable with databases, or who don't have a computer, or who have a slow connection (particularly problematic with the planning atlas)? Yes, they can get someone to download the Code for them. But at 4,900 plus pages, it is clearly not designed to be used. It doesn't even have a table of contents.

In retrospect, and from an admittedly non-professional point of view, moving the development plans to a state-wide database was a big, brave mistake. But we admit that it would take even braver decision-makers to scrap the system. Possibly incremental changes can be made that will retain the good features while remedying the bad.

Summary

Land use planning has always involved a balancing of different interests, with the pendulum swinging between protecting local interests versus encouraging development at all costs. Recent trends in planning have seen the pendulum swing too far to the latter, to the point that the planning system is undermining the attractiveness and diversity of old suburbs that attract young professionals to live in South Australia.

In particular, we want to see the demolition of old (pre-1940) buildings to require development approval, with notification of neighbours within a 200m radius, given the impact on the streetscape.



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Much of the thinking of the past decade has reflected a misplaced, ideological desire for state-wide consistency that is irrelevant to the way local planning should be undertaken. It has threatened local diversity. The stepping back from this extreme position has created a Code of bewildering complexity.

We question the effectiveness of the off-set scheme to overcome the loss of trees when a block is developed. However we support the idea of an off-set scheme. We argue that the dollars should be much larger and should be used for a larger variety of measures that have the goal of increasing tree canopy, rather than simply more trees.

Yours Sincerely,

A handwritten signature in black ink that reads "Ian Radbone". The signature is written in a cursive style.

Dr Ian Radbone,
President