

## Draft Planning and Design Code for South Australia

Submission by Andrew Hillier of [REDACTED], Linden Park, SA 5065.

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To Whom It May Concern

### **Background.**

I am a professional civil/structural engineer. I have taken a keen interest in urban planning since 1990 when the “Green Street” initiative was prominent. I attended many PIA seminars in the 1990’s – out of personal interest and also given the topics were often aligned with the strategic direction of my then employer.

I served as a Councillor with the City of Burnside from 2000-2010. I was a member of the DAP from 2000-2006 when that body comprised of all 13 elected members. In 2006, in response to State government direction, there were only 3 elected members on the panel - I was not one of them. Subsequent to my period as a Councillor I successfully applied to be an independent member of the City of Burnside DAP for a period of 2 years.

I have lived at the above address in Linden Park from 1983-1986 and from 1991 to the present time.

### **Cognisance of the ‘big picture’.**

I understand the Code attempts to address two major issues – viz. the problem of urban sprawl of Adelaide (taking up prime agricultural land with respect to fertility, microclimate and rainfall) and the frustrations of practitioners in dealing with the variability inherent in 72 development plans based on local government areas across the state. However in my opinion the approach undertaken thus far is flawed, which I will briefly address as follows:

- Urban sprawl. Few people wish to see the proliferation of residential subdivisions in our prime agricultural land but we see it continue – at Mt Barker, Freeling, Tanunda, Nuriootpa, villages of the Adelaide Hills, Virginia, Angle Vale and the Southern Vales villages. The promotion of urban consolidation by the code only addresses the supply side of the problem. The demand side is not addressed and must be addressed by urgent and strong attention to other areas of government policy. In my opinion there have been decades of neglect in addressing the level of rural to city migration that occurs in South Australia – this is a key demand driver to the urban sprawl of Adelaide. The implementation of a strong decentralisation policy for SA that incentivises development of our regional areas and a rigid ban on development on prime agricultural land are more urgent than creating more supply in inner Adelaide.

- Existing Development Plans based on local government areas. The hype around this issue promoted by some in government, and some in the development industry, is disingenuous and promotes stereotypes rather than reality. For many years Council based development plans have been based on templates (i.e. common formats and nomenclature) provided and mandated by 'the department' (at present DPTI). Furthermore the department has enforced its power of review (and veto!) prior to approval of development plans and in my experience has been intransigent in insisting on key rules and definitions common across all development plans. Existing variability that can be standardised can be dealt with by amendment (i.e. continuous improvement). Otherwise variability is a necessary element to address the unique requirements of particular locales and is best developed and administered at the local level.

### **Key concerns with the Draft Planning and Design Code for South Australia.**

My key concerns with the Code are summarised as follows:

1. Lack of perspective from the position of those impacted by development proposals adjacent or near to their existing property - both in the Code and in the supporting materials provided to inform and "sell" the code. For example, measures to prevent overlooking and overshadowing are inadequate;
2. The difficulty in obtaining a simple summary of planning rules applying at a particular property or locale;
3. The lack of definition of the ability to make representations to planning approval bodies or appeal mechanisms for those aggrieved by proposed outcomes;
4. The allocation of the zoning to Linden Park of "General Neighbourhood Zone" as opposed to "Suburban Neighbourhood Zone";
5. The watering down of heritage protection, particularly as it relates to contributory items and demolition controls;
6. The lack of clarity on enforcement of environmental measures particularly 'mandatory' tree plantings. In particular the provision of resources for enforcement and, if necessary, sanctions on miscreants;
7. A power shift away from local councils and local political representatives to state level bureaucracy and political representatives that do not have the time or interest to discover the nuances of individual planning applications and their impact on neighbours and local ambience;
8. The disingenuous nature of claims that there is a reduction of 'code' as 72 development plans become one. This may be the case for a planning consultant who practises over the entire state. For the individual householder – who may only come into contact with the planning system once or twice in their lives - it means they have to distil 3,000 pages of code as opposed to a local development plan – of say several hundred pages but tiered so that the rules governing a particular site can be quickly accessed and distilled into a few pages only;

9. The lack of recognition of sound engineering practices, applied to catering for trees in designing footings for buildings - that have been successfully used for over 25 years, via Australian Standards, particularly AS2870 and standards referenced therein;
10. The lack of recognition of engineering constraints to further urban consolidation in established suburbs particularly as increased numbers of dwellings:
  - increase stormwater run-off with no increase in network capacity;
  - increase traffic with less network capacity (due to simultaneous increases in on-street parking (often exacerbated by prohibitively narrow streets));
  - place new demands on the energy supply networks (power and gas);
  - place new demands on the communications networks; and
  - place new demands on the water supply network.
11. The lack of hierarchy in areas zoned for retail activities. The present differentiation between local and regional centres protects small local sites from overdevelopment – it is essential to prevent anomalies occurring that adversely impact adjacent land uses;
12. The potential for non-residential land uses in areas traditionally zoned residential only. Home businesses can be tolerable but also can get out of hand - as expansion occurs or the business by nature generates a lot of traffic that is detrimental to neighbours. Residents need to have a means to intervene in these situations – other than private litigation. The regulating body (preferably the local council) must have the power to intervene on their behalf, take remedial action and enforce sanctions for unauthorised activities and if necessary withdraw existing consent and order commercial activity to take place in designated areas only;
13. The errors in content and format in the material and maps available on the present website. This lack of attention to detail is worrying indicator in this entire issue. “The devil is in the detail” and anyone who has been involved in development plans knows this. The nuances around local ambience and amenity need to be recognised and have quality time spent on addressing protection of these aspects of our environment rather than simply provided a fast track to rapacious overdevelopment. If the simple tasks of getting formats and content correct cannot be done properly what hope is there for the substantive matters of urban planning to be dealt with effectively?
14. An increase in the ambit of private certifiers. I overwhelmingly prefer council employees over private certifiers to look after my interests, either as a project proponent or a representor, and also the interests of the wider community. Sometimes council staff make mistakes and sometimes they appear to be slow. They are however thorough, ethical and accountable. In my experience private certifiers fall short of council staff in all three of these measures; and
15. Undercroft garaging below dwellings is inappropriate in suburbs such as Linden Park. Where natural ground slopes are small or moderate they are artificially created with the facades and clinical front yards becoming a blight on the established streetscape. In addition they create a risk to pedestrians when cars reverse up the ramp to street level. Drivers cannot see the

footpath or the road for crucial periods of time whilst they have their foot on the accelerator. After a storm with a downpour and electricity (pump) failure the garages are suitable for storing boats but not cars! They should be non-complying and only allowed on steeper sites.

### **Specialist input.**

Rather than expand on all of the above concerns I will concentrate on two aspects – those where I have special insight given my profession and my local government and DAP experience.

#### **1. Trees and buildings.**

*The lack of recognition of sound engineering practices, applied to catering for trees in designing footings - that have been successfully used for over 25 years, via Australian Standards, particularly AS2870 and standards referenced therein.*

I love trees, I see the positive impact trees make on the urban environment – both visually and in terms of creating a micro-climate that improves the ambience of our suburbs for everyone – (not just the ‘owners’ of the trees). My frustration is immense as we continue to lose trees, and reduce tree canopies, and reduce suburban tree coverage. In particular when the ‘reason’ given for removing a tree is incompatibility with the built environment. As a professional engineer it is doubly frustrating, when I know the built environment we desire can exist in harmony with trees.

The table I see in the proposed code to direct the inclusion of trees is beyond simple – it is simplistic and naïve.

Firstly there are some simple principles that need to be followed in developing a more efficient and effective regulatory environment:

- Some trees should be banned. A list published many years ago by the E&WS (now SAWater) is still relevant today. For instance “Weeping Willows” have no rightful place anywhere in the urban environment. “Poplars” are defined as a weed in many circles and also should be banned in new developments.
- The footing type for the building (or civil asset) should be recognised.
- The type of building construction should be recognised.
- The soil type should be recognised.
- The proximity of a tree (or proposed tree) should be recognised.
- The watering regime should be recognised.
- Pragmatic guidance should be provided for the replacement of trees that, with the best of intentions, have failed structurally, failed to thrive or become unexpectedly rampant.
- (The bushfire risk must also be addressed, where applicable.)

To the uninitiated this may seem a lot of variables to introduce – indeed an impossibility. I simply repeat to the naysayers the words of Sir Mark Oliphant many years ago “Leave it to the Engineers!” I appeared before Commissioner Hodgson when he led an inquiry into trees many years ago – I wasted my breath and my

written words. Please do not give this crucial problem to planners and/or lawyers to solve – give it to competent and pragmatic professional engineers!

Secondly there must be enforceable sanctions for those who wilfully deviate from the rules.

## 2. Stereotypes.

*Existing Development Plans based on local government areas. The hype around this issue promoted by some in government, and some in the development industry, is disingenuous and promotes stereotypes rather than reality.*

I believe the loudest voices we hear in the media that purport to represent the development industry actually do that industry a dis-service. In my experience professional developers have two key characteristics – they understand the time value of money (holding costs) and they want to be in business in the future (particularly if they are a family business).

These characteristics have repercussions that we should applaud and encourage in developers, viz.:

1. They want to expedite planning approval to reduce delays and holding costs. Therefore they pro-actively engage with stakeholders (particularly neighbours), show them preliminary plans, seek their input, develop detailed plans cognisant of that input, request sign-off (which they invariably receive) and present to the Council a fait accompli with respect to representor notifications etc.
2. Their future prosperity relies on ongoing business which in turn relies on a good reputation. Professional developers bend over backwards to ensure developments are acceptable to neighbours in the planning stage and in the implementation stage (protecting assets including vegetation and controlling noise, dust, vehicle movements etc.)

Contrasted to professional developers are what I call ‘speculators’ – they do the opposite. They do not understand the time value of money and engage in protracted arguments and fights with neighbours that extend the planning and implementation of projects by many months! In addition they are typically ‘here today gone tomorrow’ operators – who may only do one or two projects in their lifetime – out to make a quick buck. By contrast professional developers typically want to assist in building and enhancing local communities and know that a lot of infill development is purchased by people who live nearby!

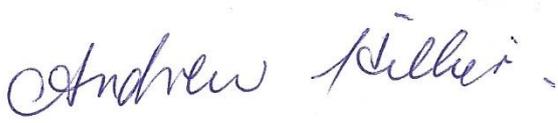
### **Call to action.**

I respectfully request that all of my key concerns be addressed (listed above). I request my specialist input be given due consideration and hopefully some meaningful dialogue and action will ensue. I emphasise the following:

1. I endorse the correspondence you have been provided from the City of Burnside and in particular the resident submission letters provided following their excellent public briefings;

2. Success is through people (with passion). I respectfully request that people with empathy for those impacted by development, particularly neighbours, be placed in positions of influence resulting in a rewriting of the code to better address the legitimate concerns of stakeholders to development proposals;
3. I respectfully request that people with passion for heritage preservation be placed in positions of influence resulting in a rewriting of the code to strengthen rather than weaken existing heritage protection;
4. I request the proposed zoning for Linden Park of "General Neighbourhood Zone" be changed to "Suburban Neighbourhood Zone";
5. I request development in existing residential suburbs be mandated to respect existing streetscapes including subdivision patterns, built form, front setbacks, side setbacks and heights. In addition the code ensures front yards, other open spaces and trees are provided and maintained. In short, encourage the philosophy of the late David Cheney (professional developer) once said to me: (my intent is to) "build in 'sympacato' with the established neighbourhood"; and
6. I suggest that the rewritten code be 'road tested' by grass roots representatives of people such as myself, to ensure the code reflects the interests of stakeholders affected by development.

Yours sincerely,

A handwritten signature in blue ink that reads "Andrew Hillier". The signature is written in a cursive, flowing style. To the left of the signature is a vertical line that extends from the top of the signature area down to the printed name below.

Andrew Hillier