

DIT:Planning Reform Submissions

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Sent: Friday, 18 December 2020 10:52 AM
To: DIT:Planning Reform Submissions
Subject: SUBMISSION ON REVISED DRAFT PLANNING & DESIGN CODE - PHASE 3

Categories: leah

State Planning Commission

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To Whom It May Concern

SUBMISSION ON REVISED DRAFT PLANNING & DESIGN CODE - PHASE 3

In response to the revised draft Planning and Design Code – Phase 3, I wish to register my strong objection to the following issues in the draft Code. These will result in detrimental development outcomes on both my property and my council area.

1 Historic Area Overlay - Demolition Criteria 7.1 (b)

The proposed demolition criteria 7.1 (b) in the Historic Area Overlay is unacceptable. The phrase “*beyond reasonable repair*” is ambiguous and open to subjectivity, argument and inconsistency. The State Planning Commission recently assured South Australian’s that they had removed the ‘economic test’. However, the term ‘*reasonable*’, not only includes the notion of an economic test, but also opens the door for a further range of arguments which could facilitate the loss of our valued heritage. This is unacceptable. The demolition criteria should be related only to being a safety risk and “irredeemably beyond repair”.

Recommendation = Change wording:

Remove wording: “(b) the structural integrity or safe condition of the original building is *beyond reasonable repair*.”

Replace with: “ (b) the structural integrity or safe condition of the original building is irredeemably beyond repair”

2 Historic Area Overlay – ‘Representative Buildings’

The term ‘representative building’ is misleading. It infers that current Contributory Items are only of ‘representative’ value, rather than each being of individual historic value as a significant member of the historic collective group, irrespective of their form or design. This could lead to the erosion of our Historic Areas.

Recommendation = Change wording:

Remove term: ‘*Representative Building*’

Replace with term: *either “Nominated Building” or “Contributory Building”*.

3 Local Heritage Place Overlay – Demolition Criteria 6.1 (b)

Policy should prohibit wilful damage as a means to attain demolition approval.

Recommendation = Change wording:

Remove 6.1(b) and replace with: “*the structural integrity or condition of the building represents an unacceptable risk to public or private safety resulting from actions and unforeseen events beyond the control of the owner and is irredeemably beyond repair.*”

4 Non-residential Development in Residential Areas

Currently in my council's residential areas, shops, offices, and educational establishments are non-complying. Under the new Code, these non-residential uses will be allowed in existing residential areas, which will adversely impact traffic, parking, noise, neighbour amenity, and the character of our suburbs. This is unacceptable. All uses which are currently non-complying in our residential areas should be "restricted development". Alternatively, a new zone should be created purely for residential land use

Recommendation:

Those uses which are currently non-complying within the City of Burnside's existing Residential Zones (including shops, offices, educational facilities) should remain "restricted development" in all Neighbourhood Zones.

5 Public Notification:

The removal of the ability for property owners to be notified at time of assessment, and have opportunity to comment or appeal proposed adjacent development, is unacceptable.

Recommendation:

Within the City of Burnside, the Code should reflect current Development Plan policy with respect to notification. This includes notification for additional dwellings, two storey development, earthworks where new dwelling is located 600mm above ground level, and change of use from residential to non-residential.

6 Setbacks from Boundaries:

I am extremely concerned that the current requirements for setbacks for development from side and rear boundaries will be substantially reduced, particularly for two-storey development. This will severely impact the amenity of both my property and the streetscape, particularly in relation to access to privacy, sunlight, overshadowing and the space in and around buildings.

Recommendation:

Current setback criteria in the City of Burnside should be maintained in all residential areas through a technical and numerical variation and, in particular, all two-storey development should be setback at least 4 metres from the side boundary and 8 metres from the rear boundary of residential properties.

7 Building on the Boundaries:

The revised draft Code continues to allow for development on the boundary up to 11.5 metres in length. This is a substantial increase from the current maximum of 8 metres and will result in increased overshadowing and loss of amenity.

Recommendation:

The current requirement of 8 metres should be maintained in all residential areas.

8 Tree Canopy and Climate Resilience

The draft Code facilitates larger developments, the easier removal of trees on both private and public land, increased infill development opportunities, increased number of street crossovers, and reductions in minimum site areas, site coverage and setbacks. This will result in a significant reductions in canopy cover, habitat loss and climate resilience.

Recommendation:

The requirement to plant a reasonably sized tree as part of a proposed development should not be circumvented by paying money into a tree fund as this would allow the erosion of tree canopy in that specific location. Requirements

for minimum tree planting size and ongoing maintenance should be written into both Code policy and conditions of approval.

9 Shading in Carparks

Code policy should incorporate sustainable best practice regarding shade cover from trees in carparks.

Recommendation: Shading in Carparks

Code policy should be introduced for car parking areas (particularly non-residential open lot parking in retail, business and service outlets) to have a minimum area of tree shading. Suitable tree species with large canopy cover are required. (Policy similar to that used in other states/countries regarding minimum shade cover areas could be considered for use in the Code.)

10 Energy Conservation and Sustainable Design

The Code's policies which facilitate intensification of development have not been balanced with the overarching need for excellence and best practice in environmental design considerations for building and infrastructure development. There is need for the Code to give full consideration of sustainable design outcomes, for ALL development, to meet South Australian climatic conditions, including the orientation and design of buildings and the overshadowing of solar panels. Requirements for eaves and for appropriate sun-shading to northern and east/western elevations is a necessity in South Australia.

Recommendation:

Requirement policies, for ALL development, specifically tailored to South Australia's climate and context, should include both qualitative and quantitative requirements (as distinct from 'guidelines') for building orientation, sun-shading, window/glazing areas, in order to minimise summer solar heat gains, so as to reduce air conditioning, and to maximise winter solar access, so as to reduce winter artificial heating requirements.

The following policy, (which is currently within the Burnside (City) Development Plan), is appropriate to be included in the Code as Performance Outcomes for ALL development, including Deemed to Satisfy development. This policy should be accompanied by detailed Design Guidelines providing both quantitative and qualitative requirements for ALL development:

Development that conserves energy, while providing adequate thermal comfort for the occupants of buildings, by:

- (a) optimal orientation and shape of allotments and the sites of buildings, to maximise access within those buildings to incident solar radiation (especially in relation to habitable rooms in dwellings);
- (b) the orientation of dwellings and the arrangement of internal spaces and landscaping, to take advantage of climatic factors and maximise absorption of heat from the sun in winter on northern and eastern building surfaces;
- (c) the pitching and orientation of roofs to facilitate the efficient use of solar energy collection;
- (d) the sizing, orientation and shading of windows to reduce summer heat load and take advantage of winter sun;
- (e) the use of deciduous trees, pergolas, eaves, verandas and awnings, to allow penetration of heat from the sun in winter and to provide shade in summer;
- (f) the use of energy-efficient building materials and the incorporation of energy-efficient methods of lighting, air and water heating and cooling;
- (g) the provision of adequate ceiling and wall insulation; and
- (h) openings being designed to maximise the potential for cross-ventilation and use of cooling breezes in the summer months.

11 Solar Access

Restrictions should be introduced to prevent new development reducing solar access to adjacent properties.

Recommendation:

The provision of shadow diagrams and modelling should be mandatory for all development greater than one storey.

12 Private Assessment of Development

Each of the design and land uses issues raised above are critical given the increased role of private planning consultants in the decision-making process.

Recommendation:

Private assessors should not be able to make 'judgement' calls where proposed development deviates from Deemed to Satisfy criteria or where it involves the interpretation of minor variations

13 Proposed Zoning of Residential Areas

The revised draft Code places much of the City of Burnside's residential areas in the Suburban Neighbourhood Zone. This zone has an emphasis on quantitative criteria such as height, set-backs, and site cover over design compatibility. The proposed policy is also inconsistent and incompatible with the current zone policy and places less emphasis on the established character of these areas and is therefore likely to result in substantially poorer design outcomes.

Recommendation:

The following areas should be included in the Established Neighbourhood Zone as this new zone contains desired policy outcomes which more closely resemble that which currently exists, particularly in relation to envisaged pattern of development, site coverage, setbacks and dwelling design: Linden Park; Erindale; Frewville; Hazelwood Park; Rosslyn Park; Glenside; Glenunga; Leabrook (part); Kensington Park (part); Kensington Gardens (part); Burnside (part); Toorak Gardens (part).

Unless the above issues are addressed and the revised draft Code is amended to reflect these concerns, there will be an unacceptable loss of local character and amenity in my neighbourhood. I trust that the concerns detailed above will be given your full consideration.

Yours sincerely

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