

Planning and Design Code Review Comments

The City of Norwood Payneham & St Peters has submitted a detailed submission providing feedback on aspects of the Planning and Design Code. The following feedback on the Code has been included following Council's formal consideration of a draft submission and are provided to assist with the revision of detailed zone and general development policies.

The following comments (which are based on the draft Code dated 1 October 2019) are provided at an administrative level in addition to those already expressed in the more detailed submission.

Part 2 – Zones and Subzones

All zones – Performance assessed table should refer to “All other Performance Assessed” rather than “All other Code Assessed” as Code assessed includes DTS

Business Neighbourhood Zone

- Zone provisions require review to ensure acceptable and consistent policy wording for building height.
- PO 3.5 row dwellings to maintain space between buildings?

Community Facilities Zone

- Zone requires review of pathways. Everything except advertisement and demolition is Performance Assessed. Notification is linked to “all other code assessed” meaning everything is notified in zone.

General Neighbourhood Zone

- Accepted development - building height does not specify measurement point (not exceed 5m – above what point?).
- Roofed area of all existing or proposed buildings – “proposed” as part of application requires clarification.
- DTS and Performance Assessed table - Limited criteria for the assessment of ancillary accommodation, carport/ outbuilding etc – requires greater policy (eg height, setback, boundary wall length)
- DTS Detached dwelling – Transport Access and Parking 3.6 conflicts with 23.3
- Dwelling – Housing Renewal – limited policy applies, 3 storeys DTS and 6 storeys Performance Assessed is not appropriate
- Performance Assessed – Consulting Room/ Office/ Pre school – Land use intensity PO 1.1 should be applicable
- Performance Assessed – Dwelling addition – façade design 8.1 applicable?
- Performance Assessed – Row dwelling - Transport Access and Parking 3.6 conflicts with 23.3
- Performance Assessed – Detached Dwelling (battle axe)– why is 3.3 not applicable?
- DTS/ DPF 1.2 does not align with DTS table – ancillary accommodation, student accommodation
- DTS/ DPF 1.5 – zone titles require correction and floor area (individually or combined) requires greater clarification
- DTS/ DPF 2.1 – needs to define if inclusive/ exclusive of access/ common areas
- PO 3.1 – “building footprints” requires definition
- DTS/ DPF 7.1 – “dwelling” walls applies to shop, office, consulting room
- DTS/ DPF 7.1 – 45% is excessive length along side boundary
- DTS/ DPF 7.2 – needs clarification as to whether 900mm applies both sides or one side for detached dwelling

Housing Diversity Neighbourhood Zone

- DTS and Performance Assessed table - Limited criteria for the assessment of ancillary accommodation, carport/ outbuilding etc – requires greater policy (eg height, setback, boundary wall length)
- Greater requirements apply to accepted outbuilding than DTS
- DTS 9.1 façade design should be included for detached dwelling
- Dwelling – Housing Renewal – limited policy applies, 3 storeys DTS and 6 storeys Performance Assessed is not appropriate
- DTS Ancillary accommodation, outbuilding, carport – limited provisions apply (height, setback, boundary walls)
- Performance Assessed – Consulting Room/ Office/ Pre school – Land use intensity PO 1.1 should be applicable
- Performance Assessed – no policy for demolition of SHP/ LHP/ Historic Area Overlay?
- Performance Assessed – Dwelling addition – 1.1, 1.2, 4.1, 9.1 should be applicable?
- Performance Assessed – Detached Dwelling – 1.1, 1.2, 4.1, 9.1 should be applicable?
- Performance Assessed – Detached Dwelling (battle axe) Group Dwelling, Residential Flat Building – why is 1.1, 1.2, 4.1, 9.1, 31.1-35.5 not applicable?
- Performance Assessed – Dwellings by SAHT or registered provider – insufficient provisions apply – zone policies?
- Performance Assessed – Retirement Facility Supported Accommodation – why is 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 4.1, 9.1, 31.1-35.5 not applicable?
- Performance Assessed – Student Accommodation – why is 1.1, 1.2, 4.1 not applicable
- Desired Outcome - “employment” use is too broad – requires land use clarification
- No policy included for educational establishments, community centres, places of worship, pre-schools, child care and other health and welfare services
- More onerous public notification more onerous than for the Suburban Neighbourhood Zone – overheight DTS/DPF 3.1 should be a trigger if other factors included

Suburban Neighbourhood Zone

- DTS and Performance Assessed table - Limited criteria for the assessment of ancillary accommodation, carport/ outbuilding etc – requires greater policy (eg height, setback, boundary wall length)
- Retaining wall provisions in Suburban Business and Innovation Zone – should also be included for all neighbourhood zones
- Less land uses notified than in Housing Diversity Neighbourhood Zone – requires review

Other Zones – referred detailed Council submission

Part 3 – Overlays

Advertising Near Signalised Intersections Overlay

<p>PO 1.1 Advertising near signalised intersections does not cause unreasonable distraction to road users through excessive size or illumination. DTS/DPF 1.1 None are applicable.</p>	<p>NPSP often receives consistent responses from DPTI in referrals relating to illuminated signs. Is there capacity to provide DPF parameters with respect to: lux levels, changes in illumination or colour, requirements for length of static display etc? Whilst applicable development in this overlay will be referred to DPTI, DPF policies may help give applicants an understand as to what is expected</p>
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Class of Development / Activity	Referral Body	Purpose of Referral	
Development includes an advertisement or advertising hoarding; that: a) is within 100m of a: (i) signalised intersection; or (ii) signalised pedestrian crossing; and b) will: (i) be internally illuminated; (ii) incorporate a moving or changing display or message; or (iii) incorporate a flashing light.	Commissioner of Highways	To provide expert technical assessment on potential risks relating to pedestrian and road safety which may arise from advertisements near	The Schedule 8 referral currently only applies to signage which is red, yellow, green or blue – is this an intentional change?

Affordable Housing Overlay

<p>PO 3.1 Allotments created for affordable housing are a suitable size and dimension that provide a high standard of occupant amenity and integrate with residential neighbourhoods. DTS/DPF 3.1 Where constituting affordable housing, the minimum site area specified for a dwelling can be reduced by up to 20%.</p>	<p>To clarify – is this only allotments specifically containing the affordable housing, not all apartments in a development where 15% of the development is affordable development?</p> <p>How is this calculated in dwellings per hectare policy?</p>
<p>PO 3.2 To support the provision of affordable housing building heights may be increased above the maximum specified in the <i>Building Heights Technical and Numeric Variations Data Overlay</i>. DTS/DPF 3.2 Where a mixed-use development or apartment building includes at least 15% affordable housing, the maximum building height specified can be increased by 1 storey in City Living, General Neighbourhood, Housing Diversity Neighbourhood Greenfield Neighbourhood, Masterplanned Suburban Neighbourhood zones, and up to 30% in any other zone.</p>	<p>This policy is not supported - 30% height increase is significant. No rationale or analysis for this additional height has been provided. As an overlay this overrides the zone provisions (eg Suburban Neighbourhood where height limit may be one storey). Why is 30% bonus being applied to height and what impact will this have on streetscapes?</p> <p>How does a 30% height bonus in an overlay work in conjunction with a Heritage or Character Area Overlay which seeks compatibility with historic development (usually one storey). What prevails between the overlays?</p>

Design Overlay

This overlay doesn't add value or detail with any design policy it simply facilitates the current Schedule 10 referral. Further detail is required on design policy in the Code and consultation on the Design Standards that are set out under the PDI Act.

Since its introduction in 2013, the City of Norwood Payneham & St Peters continues to oppose the State Commission Assessment Panel being prescribed as the relevant authority for over 4 storey development in these areas. In the absence of full design assessment and advice from Council, referral to the Government Architect is warranted as a mechanism for design advice.

Future Road Widening Overlay

The referral relates to development that *is within or may encroach within a Future Road Widening Area*. Is this Area shown as:

- The width given in the overlay mapping information
- The MARWP Consent Area given in the overlay mapping information or
- The whole allotment which is shaded red for the purposes of the overlay in the mapping tool

Hazards (Flooding) Overlay



As outlined in the Council's detailed submission and as acknowledged in the Code Update, the draft Code does not consistently or adequately manage flood risk.

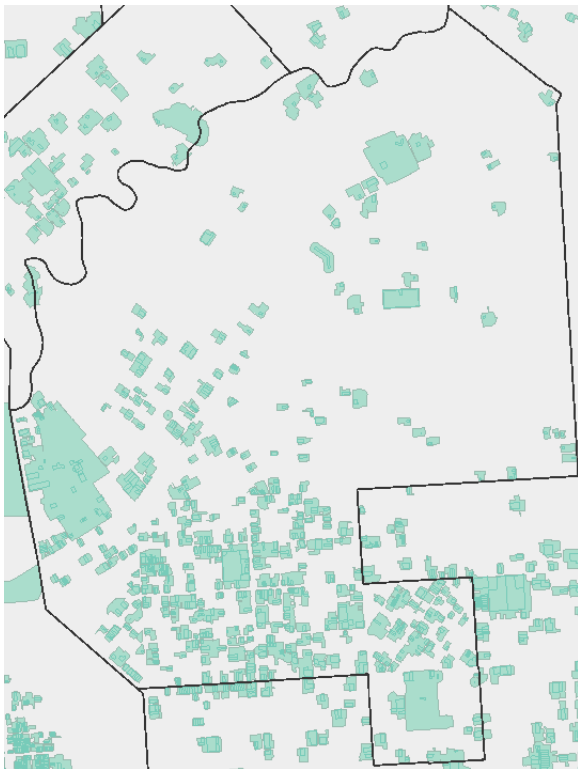
Accurate publically available maps need to be inserted into the Code with transition of current risk and hazard avoidance policy for the 1 in 100 and 1 in 20 flood, included in the Code.

Native Vegetation Overlay

Note – native vegetation doesn't apply in NPSP, but does apply on the northern side of the River Torrens. Consistency should be achieved through the Overlay. Policy for the Open Space Zone (along River Torrens Linear Park) does not recognise biodiversity or retention of vegetation as Desired Outcomes for zone).



Local Heritage Place Overlay



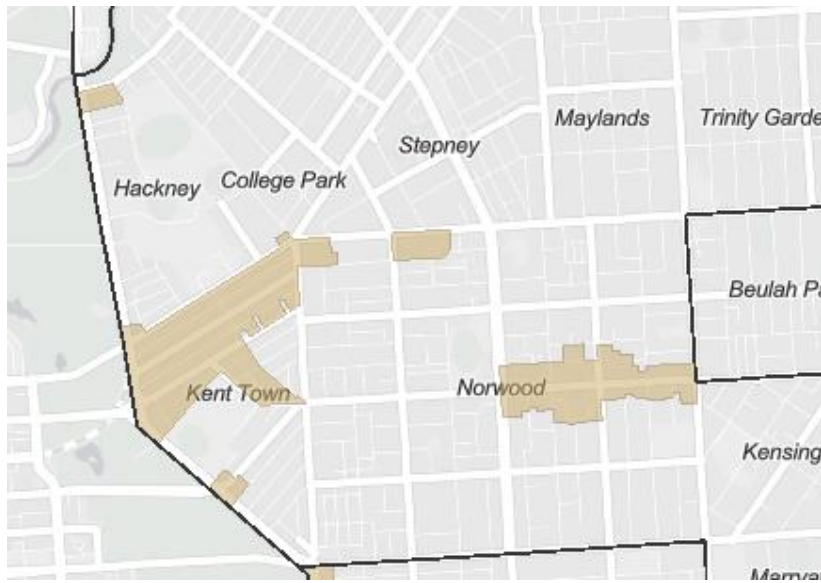
It is queried where information related to description of place, description of Heritage Value and Heritage Survey material will be stored and accessed in the Code? Will there be an opportunity to verify these database inputs in the Code?

Refer detailed submission on the Code regarding Overlay policy, mapping and adjacency policy.

No notification is prescribed for demolition of a Local Heritage Place (also for State Heritage Place and building inside Historic Area Overlay). These should be prescribed in the relevant overlay.

There is a need to ensure that internal work to a Local Heritage Place can be dealt with efficiently. I the Business Neighbourhood Zone Internal building work is an exception to the Accepted pathway, which is unclear how this is intended to be assessed?

Noise and Air Emissions Overlay



This overlay is supported, however the Code lacks policies to manage noise and air emissions outside of this overlay which is particularly a concern for residential development on arterial roads. It is recommended that this Overlay be amended so that it applies across all arterial roads (or at least primary arterial).

The NPSP Development Plan contains more comprehensive policy that sits outside the overlay – from the City wide section Noise.

The noise policies within the Draft Code are not sufficient – these are currently contained within the 'Interface between land uses' General Development Policies.

The more thorough noise policies in Development Plans that were developed with acoustic engineers are well regarded around Australia. These should be transitioned to the Code.

Prescribed Wells Area Overlay



The referral should be reworded to clarify – ‘*development involving any of the following*’ and part (f) needs to be reworded to follow on from ‘*development involving*’...

The Updated classification tables appear to have been amended so that the Prescribed Wells Area Overlay is no longer an exemption for DTS development for some development in some zones. This is a positive change because previously this would have unnecessarily taken a lot of development out of the DTS pathway. This still appears to be the case in some regional zones but this may be appropriate for those areas.

It is recommended that this is further reviewed for when the Prescribed Area Overlay policies apply in performance assessed classification tables. e.g. the PWA Overlay is applied to:

- Apartment in Urban Corridor (Business)
- Warehouse & store in Suburban Employment

Regulated Trees



The draft Code presently contains a single Regulated Tree Overlay. This is to be contrasted with current Development Plan policy which distinguishes between, and provides separate policy for both regulated and significant trees.

There is concern that regulated tree policy has been consolidated within a single Regulated Tree Overlay with no higher order of policy relating to the proposed removal of a regulated tree that is a significant tree.

Stronger protection is required for regulated and significant trees as one of the highest biodiversity priorities due to changing climate.

The recognition of regulated and significant trees is transitioned to the Code, however the policy wording has been revised and assessment considerations for the following have been removed:

- Indigenous to the locality (for regulated and significant trees)
- Important habitat for native fauna (for regulated and significant trees)
- Important contribution to the character or amenity of locality (significant trees)
- Part of a wildlife corridor (significant trees)
- Biodiversity maintenance (significant trees)
- Notable visual element (significant trees).

Strengthen Significant Tree and Regulated Tree policy within the draft Code to reflect current policy

Criteria for tree-damaging activity should reflect current controls, including assessment criteria.

Reinstate policy such as

- *Indigenous to the locality*
- *Important habitat for native fauna*
- *Important contribution to the character or amenity of locality*
- *Part of a wildlife corridor*
- *Biodiversity maintenance*
- *Notable visual element*

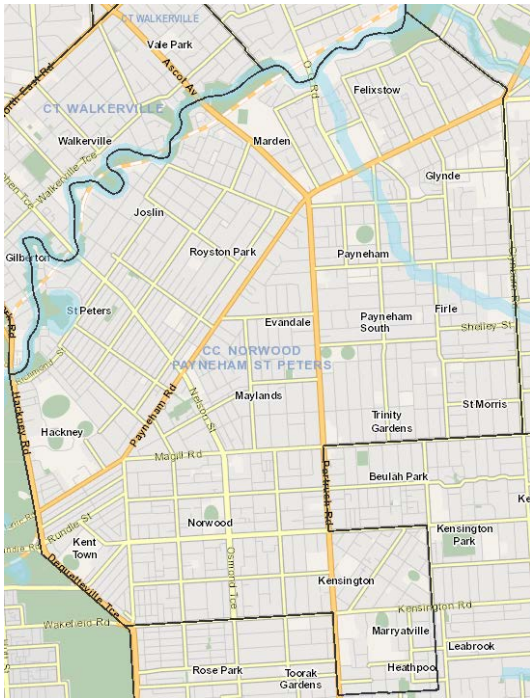
Development should have minimum adverse effects on regulated trees.

Development should be undertaken with the minimum adverse affect on the health of a significant tree.

“Elements” of a development. Lodgement information and Assessment Pathways

There is no reference to the Regulated Trees Overlay in the Accepted development or DTS development tables, and therefore the reliance is on the applicant to identify, disclose and apply for ‘tree damaging activity’ as a separate class of development. Rarely does this occur in practice and regulated or significant trees are, in the most part, picked up at the assessment stage by council staff. There should be a trigger for the relevant authority to consider whether the proposed accepted or DTS development may result in tree damaging activity (and therefore calling up the Regulated Tree Overlay policies).

Water Resources Overlay



This new overlay transitions an existing referral trigger from Schedule 8 of the *Development Regulations 2008*, which relates to activities that may adversely impact prescribed water resources areas under the *Natural Resources Management Act 2004*. The overlay seeks to protect prescribed water resources by ensuring the taking of water in such areas is avoided or undertaken in a sustainable manner.

This overlay is inconsistent in its spatial application between Councils and even within Councils for different watercourses. This has only been applied to Third Creek, this needs to be consistently applied.

Part 4 – General Development Policies

Advertisements

There is a need for a review of how the Code treats Outdoor Advertising, particularly with respect to free standing signs.

The collapsing of local, neighbourhood and district centre zones into the single Suburban Activity Centre zone with a one size fits all approach to advertisements means smaller centres can have signs of a far greater height and scale beyond what is reasonable and large district centre properties have policy for sign sizes that may be inadequate.

Policy for advertising within the Neighbourhood Zones is currently not contained in the Code. While the extent of increased non-residential development opportunities in Neighbourhood Zones, is not supported, there is a need for policy which covers advertising. In many of these zones, this is currently non-complying, requiring careful thought as to what can be included in residential areas. Relying on the general provisions within the Code as they relate to the Zones and general policy

appears to be open to an increase in signage. Likewise, there is no maximum advertisement area for neighbourhood zones, and not enough policy in the neighbourhood zones to control it.

New provisions for advertisements appear to disregard trees. Suggest introducing the following as a PO:

Advertisements and/or advertising hoarding should be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees

There appears to be a policy focus on advertisements primarily limited to information relating to the lawful use of the land they are located on in the draft Planning and Design Code. More policy on how to deal with third party advertising is sought.

Policy for flags, bunting and streamers is not found within the Draft Planning and Design Code. It is suggested this policy be included.

Design in Urban Areas

There is significant variation in design and environmental requirements – depending on 4 or more building levels, all residential development, all development, residential 3 levels or less, residential 4 or more levels, group dwellings, Residential Flat Buildings, battle-axe, supported accommodation and housing for aged people.

Design policy applying to development over 3 storeys has now changed to only apply to over 4 storeys. It is not made clear why this has occurred. Separate policy for different building forms now results in inconsistent policy– varied landscaping requirements, varied WSUD requirements, under 4 dwellings vs 5-19 dwelling, no policy for 20+ dwellings.

There is no requirement for housing (where Housing Renewal General Development Policies apply) for:

- tree planting
- rainwater tanks (DUA 22.1)
- water quality objective (DUA 22.2)
- other provisions

The Design in Urban Areas module and its building form and land use headings should be carefully reviewed to ensure a more consistently and equitable allocation of policy requirements – which cuts across building levels and as appropriate to the land use.

Part 7 – Land Use Definitions

A greater range of land use terms, used in the Planning & Design Code, require definition. The absence of clarity in land use terms in the ePlanning system is likely to lead to unintended and undesirable consequences. It will also lead to inconsistency in interpretation across 68 Councils, with consistency and certainty being fundamental principles of the new policy framework.

- Apartment – referred to in Urban Corridor Zone and other zones
- Service Industry – is not anticipated in Urban Corridor (Business) Zone but is not defined

Part 8 – Administrative Definitions

A greater range of administrative terms, used in the Planning & Design Code, require definition. The absence of clarity in land use terms in the ePlanning system is likely to lead to unintended and undesirable consequences. It will also lead to inconsistency in interpretation across 68 Councils, with consistency and certainty being fundamental principles of the new policy framework.

Introductory paragraph states:

“The following table lists terms which may be used to assist with the interpretation of policy”

This indicates the use of these terms is at the applicant's/ Council's/ Private Certifier's discretion as to whether or not the Part 8 definition needs to be used. This wording needs to be tighter to ensure that there is not an option of not being guided by the defined terminology.

Building height “*natural or finished ground level*” – which is intended?

Building line this definition requires greater clarity. Primary building line is used in the Code but not defined.

Density requires advice as to how to calculate in multi storey and mixed use development

FFL Finished Ground Level is used the P & D Code but not defined

Habitable room Primary habitable room could also been clarified

Higher order roads This term is used in Housing Diversity Neighbourhood Zone and General Neighbourhood Zone but without clarification as to how/ where to apply it

Neighbourhood Zone Requires updating to new zones

Private Open Space Is Private Open Space interchangeable with Outdoor Open Space? (as prescribed in Table 1 Design in Urban Areas PO 20.1)

Private open space definition precludes front of dwelling, but DTS/DPF 20.3 includes it. Fenced front open space is not supported (refer Submission)

Site coverage Used extensively, but not clear what is inclusive/ exclusive in the calculation

Soft landscaping Can this be not planted area? Gravel, artificial turf?

South facing Overshadowing 30° DTS/DPF does not refer to south facing – refers to “southern boundary” and “southern zone boundary”

Is a “side wall” a boundary wall in this definition?

Total floor area Does this include covered parking area? Covered outdoor spaces?

Wall height Should be measured to natural ground level – not specified what to measure it to

Part 9 – Referrals

Point of clarification – how do the referrals set out in Part 9 get applied as additional referrals to those contained in Overlays in the Code? Petrol Stations need referral but the terminology Retail Fuel Outlet is used in the Code. What is the definition of “activity producing listed waste”?