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State Planning Commission
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Dear Planning Commission

Feedback Draft Planning and Design Code Phase 3

In response to the call for feedback on Phase 3 of the draft Planning and Design Code, the attached response is provided to the Department and the State Planning Commission.

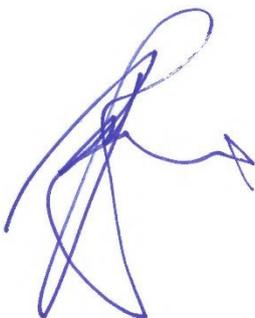
Council has provided a number of specific comments that relate to the structure and functionality of the draft Code, the proposed policy approach, community engagement on the content of the draft Code, the role of design and design outcomes in the Planning and Design Code and the need for appropriate planning policy that recognises local character and context.

City of Prospect would reiterate that local government is best placed to recognise specific local character and context in planning policy in consultation with their communities. It is imperative that the final version of the Planning and Design Code provides a better mechanism for local character to be recognised in planning policy and that where a specific local character can be documented, that it forms part of the planning policy to be used to assess development.

Council, at its meeting of 25 February 2020 also resolved to write to the Minister for Planning, seeking an additional round of community consultation once consideration is given to all comments received through this round and once the e-planning tool is operational and ready for sector testing.

Council encourages you to consider all elements of the attached in progressing the Planning & Design Code.

Yours sincerely



Nigel McBride
Chief Executive Officer

City of Prospect Response on Draft Planning and Design Code Phase 3

Draft Planning and Design Code Phase 3 Issue	City of Prospect comments
Suburban Neighbourhood Zone vs General Neighbourhood Zone	<p>The draft Code has a portion of the current Residential Zone from the Prospect (City) Development Plan located in the General Neighbourhood Zone. This outcome was not aligned with staff expectations given the conversations that had occurred with DPTI staff in the lead-up to the release of the draft Code.</p> <p>After a number of staff queries, DPTI staff have confirmed on a number of occasions that the existing location of the 350 Policy Area within the General Neighbourhood Zone was an error and that the 560, 450 & 350 Residential Policy Areas of the Residential Zone will be located in the Suburban Neighbourhood Zone <u>and</u> within a Character Areas Overlay.</p> <p>Council reiterates that we object to the listing of the 350 Policy Area as General Neighbourhood Zone and look forward to this error being corrected in the Code.</p> <p>Once the existing Residential Policy Areas 350 is located within the Suburban Neighbourhood Zone and Character Area the Technical Numerical Variation overlay will need to be amended to recognise the existing minimum site areas, frontages and building heights as per the existing requirements in the Prospect (City) Development Plan, as is the case for the 450 & 560 policy areas.</p>
Urban Corridor Zone	<p>Draft Code policy provisions were reviewed by staff to check for consistency with the revised policy inserted into the Prospect (City) Development Plan as part of the 2017 Urban Corridor Review DPA. Some of the policy that underwent design testing back in 2017 and has been in use in City of Prospect since February 2018 has not been included in the draft Planning and Design Code, particularly the contextual information on the overall development of the zone.</p> <p>This is disappointing and given the extensive amount of work undertaken in developing the policy along with DPTI staff, and the assessment experience of Council staff in using the revised Urban Corridor policy, Council recommend that the State Planning Commission are informed that the City of Prospect policy represents current 'best practise' in urban corridor policy. It is the most recently updated and the most regularly tested policy across metropolitan Adelaide and the most advanced of all Urban Corridor Zone policies so it should therefore be carried forward into the Planning and Design Code.</p>
Character Area Statements & Historic Area Statements	<p>When the draft Phase 3 Code was initially released for community consultation by the Department of Planning Transport and Infrastructure (DPTI) together with the State Planning Commission, it did not contain detailed Character or Historic Area Statements. During the consultation process, DPTI offered Council a quick turnaround opportunity to draft historic</p>

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	<p>area and character statements that are desired to apply within City of Prospect, which were then released for consultation as part of the Code consultation process.</p> <p>Council took up this opportunity and provided detailed desired wording for the statements influenced by the language of the current Development Plan and its existing desired character statements. In preparing the draft Historic and Character Area statements Council staff reviewed and adapted the existing 'Desired Character Statements' for the existing 11 Heritage Policy Areas and 3 Residential Policy Areas from the latest Prospect (City) Development Plan.</p> <p>Less detailed and descriptive content for the Heritage and Character Overlays were released for community engagement as part of consultation on the draft Code.</p> <p>Council recommends that the previously prepared character area and historic area statements (submitted by Council) are incorporated in the Planning and Design Code as they give considerably more direction to land owners/residents/developers regarding residential character, historic character and local context.</p>
Ad-hoc release of information on the implementing of the PDI Act 2016	As has been highlighted by Council in previous responses to Planning reform issues, stakeholders are being 'drip feed' information on how the key elements of the new planning system will be developed and implemented making a full appreciation of the changes difficult. Without the 'bigger picture' it is difficult to respond in a meaningful way to separate elements of the new system.
Design Outcomes	<p>The lack of design related criteria for 'Exempt' or 'Deemed to Satisfy' development is of a concern to Council and the community.</p> <p>City of Prospect considers that design criteria, including relevant design examples or images, should form part of 'Deemed to Satisfy' policy in the Planning and Design Code.</p>
Design Outcomes	City of Prospect consider that design examples should be an important element of the Planning and Design Code to assist designers, planners and community to design and assess future development. This has not occurred to date as part of the draft Code.
Local Character & Context	<p>The dwelling styles within Inner Metropolitan Adelaide are distinctive in consistency and character in many areas and Council considers that this must be recognized and addressed in the Planning and Design Code.</p> <p>Council stresses that communities will expect existing character to be maintained with sensitive infill acceptable where suitable</p>

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	<p>design and streetscape integration are demonstrated, this must be recognized in the Planning and Development Code.</p> <p>The Code policy does not address the retention of local residential character balanced with sensitive and appropriate infill development to a sufficient level of detail.</p>
Streetscape Impacts of 'Deemed to Satisfy' & the Suburban Neighborhood Zone	<p>City of Prospect considers that deemed to satisfy provisions should not extend to infill development within Character Area Overlays or Historic Area Overlays.</p> <p>In particular <u>development that is visible from the street e.g. dwelling additions, carports and garages that have an impact on streetscape should not be deemed to satisfy development</u> within the Suburban Neighbourhood Zone.</p>
Deemed to Satisfy development	<p>The draft Code sets the bar too low and doesn't adequately recognise local character in its deemed to satisfy criteria. In some instances this is likely to lead to the performance outcomes that the Code is trying to achieve not being met.</p>
Clarity of Planning Policy	<p>Council considers that it is critical that the Planning and Design Code is written and structured so that the community can clearly understand exactly what they are able to develop on their land and also what their neighbours and land developers are able to develop within the locality.</p> <p>By consulting on a digital by default system using a hard copy document of in excess of 3000 pages, and a mapping tool that does not allow a complete picture of zoning and planning policy beyond the site specific search functionality, it was extremely difficult for stakeholders and community members to understand what policy was proposed within the Prospect area. This has been reflected in the feedback that Council has receive from its community.</p> <p>On that basis, Council considers that an additional round of community engagement <u>must</u> be undertaken once the E-planning system is fully operational so community and stakeholders can get a full appreciation of the new policy setting, prior to it going live and being used for development assessment.</p>
Local policy, identity and character	<p>City of Prospect is of the view that Desired Character Statements and the need to clearly identify the future character of local areas is a key element of current Development Plans.</p> <p>This element should be preserved and strengthened in the Planning and Design Code. The draft Code has not adequately captured local character and context for use in development assessment and the revised Code should address this issue.</p>
Community Feedback on draft Planning and Design Code	<p>While Council has not undertaken its own engagement process on the State Government draft Planning & Design Code, staff and</p>

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	<p>elected members have received feedback from community members and some of that feedback is outlined below:</p> <ul style="list-style-type: none"> • <i>The Code is a complicated document that is difficult for the community to understand. Hard copy consultation on a proposed electronic document is not useful or helpful;</i> • <i>Not enough time to get this significant project right, not enough time to consider comments and make necessary changes by 1 July 2020</i> • <i>Mapping tool hard to use, labour intensive to go from mapping tool back to the draft code, difficult to navigate for the layperson</i> • <i>Not worth consulting on a Code that is incomplete and no real linkage between the hard copy code and the 'indicative' e-planning tool</i> • <i>Shouldn't be consulting until the e-planning system is up and running – so the public can see the complete picture</i> • <i>Consultation process is not consistent with the provisions of the state's Community Engagement Charter, not an authentic engagement process.</i>
Suburban Employment Zone	<p>Based on the draft Code policy there seems to be potential for land use conflict between industrial and commercial land uses?</p> <p>Industry is not envisaged in the existing Development Plan zone (Commercial Zone) and the zone interfaces with sensitive land uses (e.g. residential)</p> <p>Existing Commercial Zone has non-complying trigger around dwellings and shops over 250m². The proposed Code Deemed to Satisfy (DTS) has a 500m² criteria which is more generous than current zoning and may be too large given the size of the existing allotments.</p>
Suburban Activity Centre Zone (North Park)	<p>No retail hierarchy provided and given a similar status to small centres on North East Road</p> <p>Concept Plan not carried over from current Development Plan. Note: A list of concept plans has been provided to DPTI staff for incorporation as part of consultation on the draft Code.</p> <p>No design overlay for an area with large scale built form and interface residential zoning.</p> <p>Deemed to Satisfy provisions:</p> <ul style="list-style-type: none"> • Where a change of land use development application is not required, will car parking rates for shop, office and consulting room be consistent? • Sales office if this term is to be used then it should be defined in Part 7 – Land Use Definitions.

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	<p>Performance Outcome 2.4 are bicycle parking rates applicable in this zone? If so any direction on where they should be located and security of these areas?</p> <p>Deemed to Satisfy 5.1: Is this intended to control 2 sided signs or 4 sided signs?</p>
Housing Diversity Neighbourhood Zone	<p>Zoning contemplates shop, office and consulting rooms to 100sqm or 200sqm with frontage to higher order roads or adjacent Main Street or Activity Centre Zone. This has the potential for negative affect on nearby Activity Centre and Urban Corridor Zone.</p> <p>Density proposed at 70du/ha or 142sqm/per dwelling. Council would query why the proposed density is well above Urban Corridor Living Zone which is at 45 du/ha?</p>
Suburban Neighbourhood – Low Density Zone	<p>Accepted Development Oct 2019 Carport, Outbuildings e.g. sheds, Swimming Pools and Verandah - not accepted development within the residential areas of Prospect within Character & Historic Overlays.</p> <p>Note: Updated Code tables were released in December 2019 that highlighted what the Commission intends to change prior to the Code being adopted. Within this update document changes have been made to the Accepted Development table and Carport, Outbuildings (garages or sheds), Swimming pools, verandahs are now, subject to meeting the outlined criteria, potentially accepted development even with a character area overlay.</p> <p>Deemed to Satisfy Oct 2019 Ancillary Accommodation, Carport, Outbuilding, Dwelling Additions, Detached Dwellings, Residential Flat Buildings undertaken by the SAHT or Community Housing Provider, Verandah not accepted within the residential areas of Prospect within Character & Historic Overlays e.g. will not be able to be assessed by a Private Planning Certifier and will be assessed by Council planning staff against the relevant provisions in the Planning and Design Code.</p> <p>Note: Updated Code tables were released in December 2019 that highlighted what the Commission intends to change prior to the Code being adopted. Within this update document changes have been made to the Deemed to Satisfy Development table and dwelling additions are now, subject to meeting the outlined criteria, potentially deemed to satisfy development even if covered by character area and historic area overlays</p> <p>City of Prospect does not support an intended approach that allows development that impacts on streetscape and local character to be deemed to satisfy.</p>

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Suburban Neighbourhood – Low Density Zone	<p>DTS 1.3 Consulting Rooms [+ shop + office] up to 100m², and 200m² along major roads or adjacent Main Street or Activity Centre Zones, in residential areas. While this may be suitable in a residential zone and site that has a frontage to an arterial road this scale of consulting/commercial activities is not suitable in the middle of a residential area.</p> <p>Traffic and car parking impacts of commercial activities of this size within residential areas have the potential to be significant and to compound demand for on-street parking, which in many areas is already under pressure.</p> <p>Council question the rationale for increasing non-residential floor areas substantially within residential area. Currently consulting room & office are non-complying and greater than 60sqm shop is non-complying.</p> <p>This proposed policy also promotes leakage of commercial and retail development from activity centres and urban corridor zones.</p> <p>Council does not support an intensification of commercial or retail activities in low density residential areas and the impacts commercial intensification will place on residential streets and residents. .</p>
Historic Area and Character Area Overlays	<p>Council provided detailed Historic Area and Character Area Statements based on the existing desired character provisions in the Development Plan and findings of the Housing Diversity & Desirable Neighbourhood Study.</p> <p>These Statements have not been sufficiently included in the draft Planning and Design Code (noting that elements of the drafts have been included).</p> <p>Council is of the view that the statements as endorsed by Council should form the Historic Area and Character Area Statements in the relevant Prospect zones of the Planning and Design Code.</p>
Urban Corridor Zone	<p>Loss of recently introduced policy statements from the Prospect (City) Development Plan in Desired Character Statements (issues of paramount importance to Prospect, key attributes for Prospect). Design overlay and general policy have captured principles of good design with some variations noted from the Prospect example.</p> <p>New policy for a 30 degree building envelope on southern zone boundary with Suburban Neighbourhood Zone.</p> <p>City of Prospect undertook detailed design testing to ensure that its building envelope policy within the current Development Plan was workable, it is recommended that SPC/DPTI provide or undertake new design testing confirmation to show that this amended envelope will still allow the minimum densities to be achieved on relevant allotment sizes.</p>

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	<p>Existing Development Plan policy on amalgamation, overlooking requirement of 45m prevented and minimised beyond from site boundary has not been transferred into the Code and should be included in the Code.</p> <p>New additional reasons for minimising vehicle access points to streets has not been transferred over and should be included in the Code.</p>
Boulevard Zone	<p>Desired character statement in existing Development Plan for Boulevard Policy Area (new additions from recent DPA) is useful and should be retained in describing desired outcomes (e.g. landscaping improvements, building siting and design improvements for activation and streetscape appeal).</p> <p>Council does not support removal of specifics on precincts (e.g. Mixed use Churchill Area & Cane Reserve Area) that requires different development approaches</p>
Business Zone	<p>Desired Character Statement in existing Development Plan is useful in describing desired outcomes (e.g. landscaping improvements and design improvements for activation and streetscape appeal). Specifics on precincts e.g. Nottage Terrace intersection and Prospect Oval area that require different development approaches. Council believes that these provisions need to be incorporated as policy or in concept plans.</p> <p>Unsure why the envisaged uses have not included 'light industry' as in the existing Development Plan?</p> <p>Why has the draft policy resulted in a major reduction in floor area for shops to 500sqm (instead of 2000sqm)?</p> <p>Major retail activity should be retained in Corridor Or Activity Centre Zones.</p>
Main Street Zone	<p>Desired Character Statement in existing Development Plan is useful in describing desired outcomes (e.g. fine grained detail and pattern of facades and podiums and landscaping details). Local detail not picked up in draft Code policy or in concept plans.</p> <p>A higher minimum net residential density of 70du/ha has been introduced for what seems to be standardisation purposes. This density was amended in the Prospect Urban Corridor Review DPA to 60du/ha to have a distinct difference from Boulevard Area and based on design testing for buildings with greater emphasis on retail/commercial development and not residential.</p> <p>Council is of the view that the current density in the Main Street Policy Areas should be retained in the proposed Main Street Zone.</p>

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	<p>Why has the draft policy result in a major reduction of maximum gross leasable floor area for shops, offices and consulting rooms?</p> <p>Major commercial activity should be retained in Corridor or Activity Centre Zones.</p>
Overlay Design	<p>There is a lack of design based policy within the Overlay with reliance on referral to the Government Architect for buildings over 4 storeys.</p> <p>With similar types of development possible in the Suburban Activity Centre and Suburban Employment Zones, why is the Government Architect referral limited to the Urban Corridor Zone?</p> <p>Council is of the view that design is critical in developing useable and functional buildings and spaces and more design content and policy is required in the Planning and Design Code.</p> <p>All significant buildings need design review/input, particularly those on allotments with limited site areas, limited depth or frontage and interface issues.</p>
Overlay Local Heritage	<p>Seems to cover large areas without Local Heritage Places as it picks up adjacent properties. Unsure if this includes properties across the street or others that may directly affect a Local Heritage Place?</p> <p>It has not been demonstrated sufficiently to Council why 'Contributory Items', particularly mapping of their location, are not able to be carried forward from Development Plans to the Planning and Design Code.</p>
Flood Mapping	<p>Recognising that no flood mapping information is currently within the Prospect Development Plan, Council considers that the introduction of the Code represents an opportunity to include flood mapping data already held by the State Government into the Planning and Design Code prior to its commencement.</p>
Significant Trees	<p>Since the introduction of this Table into the Development Plan some of the listed Significant Trees have been granted approval for removal by DAC/SCAP/DAP/CAP.</p> <p>An updated table, minus those trees that have been removed within City of Prospect, will be provided to DPTI.</p>