

## DIT:Planning Reform Submissions

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**From:** steve kilsby [REDACTED]  
**Sent:** Wednesday, 9 December 2020 7:59 PM  
**To:** DIT:Planning Reform Submissions  
**Subject:** SUBMISSION ON REVISED DRAFT PLANNING & DESIGN CODE - PHASE 3

State Planning Commission

[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 a number of key issues in the draft Code, which will result in detrimental development outcomes both on my property and the surrounding neighbourhood. These are summarised below:

#### 1. 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.

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)

#### 2. 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.

I request that the current setback criteria in the City of Burnside 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.

#### 3. Building on the Boundary

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. I request that the current requirement of 8 metres be maintained in all residential areas.

#### 4. Commercial 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.

#### 5. Historic Areas

The term "representative building" is potentially 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. I suggest instead using the term "Contributory Building" or "Nominated Building".

#### 6. Public Notification

The draft Code should reflect our council's current Development Plan policy with respect to the notification of neighbours and the public. The Code should include notification for all development that increases development intensity, including additional dwellings on the site, two storey development, earthworks where new dwelling is located 600mm above ground level, development on the boundary and change of use from residential to non-residential.

#### 7. 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. 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.

#### 8. 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. 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.

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

*S Kilsby*

*L Kilsby*

Steve and Lynne Kilsby